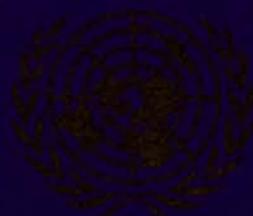




The Law of the Sea

Current Developments in State Practice



Office of the Special Representative
of the Secretary-General for the Law of the Sea
United Nations

Office of the Special Representative
of the Secretary-General for the Law of the Sea



The Law of the Sea

Current Developments in State Practice



United Nations • New York, 1987

**Information reproduced in this publication concerning
developments relating to the law of the sea emanating
from actions taken by States does not imply
recognition by the United Nations of the
validity of the actions in question**

FOREWORD

The Office of the Special Representative of the Secretary-General for the Law of the Sea has prepared the present publication in order to disseminate widely relevant information on current developments in State practice relating to the law of the sea following the adoption of the 1982 United Nations Convention on the Law of the Sea.

The Convention continues to exert an important influence on the development of national policy with respect to law of the sea matters. A number of States have adopted national legislation dealing with a variety of maritime issues, which, in particular, relate to such matters as the determination of baselines, the breadth and status of the territorial sea, the establishment of exclusive economic zones, the definition of the continental shelf and the delimitation of maritime boundaries between States with opposite or adjacent coasts. The number of States claiming a 12-mile territorial sea continues to increase: some 100 States now claim a 12-mile territorial sea as compared with 89 reported last year. It is of some importance to note that some States that had made territorial sea claims exceeding the 12-mile limit have now modified their legislation to conform to the relevant provisions of the Convention, and others are reviewing their national legislation in the light of the provisions of the Convention. Eighty-six States compared to 79 last year have sanctioned a new international rule to the effect that a coastal State has sovereign rights to explore, exploit, conserve and manage the natural resources to be found in the exclusive economic zone.

This publication will, it is hoped, assist States in their effort to implement the Convention and in so doing will promote a uniform and consistent application of the complex and comprehensive set of international norms embodied in the Convention. It includes all recently adopted treaties and legislation available to the Office, as well as communications sent by Governments. The legislation reproduced deals mainly with the extent of maritime jurisdiction and the régime applicable to it. It is listed by States in alphabetical order. Wherever a communication by a State relates to the content of a particular legislation it follows directly. The treaties are included in the chronological order of their adoption.

The contents of this publication are partly drawn from the series of the Law of the Sea Bulletins which were previously circulated in mimeographed form. This volume contains the material received in the Office over the four years following the adoption of the United Nations Convention on the Law of the Sea (December 1982 - December 1986).

CONTENTS

	<u>Page</u>
I. NATIONAL LEGISLATION IN RELATION TO MARITIME JURISDICTION AND COMMUNICATIONS RELATED THERETO	
1. ALGERIA	
Decree No. 84-181 of 4 August 1984 defining the baselines for measuring the breadth of the maritime zones under national jurisdiction.....	1
2. CHILE	
Law No. 18.565 amending the Civil Code with regard to maritime space.....	7
3. EQUATORIAL GUINEA	
Act No. 15/1984 of 12 November 1984 on the territorial sea and exclusive economic zone of the Republic of Equatorial Guinea.....	8
4. FRANCE	
Decree No. 85/185 of 6 February 1985 regulating the passage of foreign ships through French territorial waters.....	12
✓ 5. GABON	
Act No. 9/84 establishing an exclusive economic zone of 200 nautical miles.....	14
✓ 6. GERMAN DEMOCRATIC REPUBLIC	
Second Ordinance for the implementation of the Law on the State frontier of the German Democratic Republic (Frontier Ordinance), 20 December 1984.....	17
7. GERMANY, FEDERAL REPUBLIC OF	
(a) Note verbale.....	19 ✓
(b) Decree on the extension of the territorial sea in the North Sea for preventing tanker casualties in the German Bight of 12 November 1984 (annex I).....	20 ✓
(c) Sixth Ordinance to amend the traffic regulations for navigable waterways of 9 January 1985 (annex II and appendix).....	23 ✓
✓ 8. GHANA	
Maritime Zones (delimitation) Law, 1986.....	33

CONTENTS (continued)

	<u>Page</u>
9. GUINEA-BISSAU	
(a) Act No. 2/85 of 17 May 1985 establishing straight baselines.....	36
(b) Act No. 3/85 of 17 May 1985 on delimitation of the territorial waters, the contiguous zone and the continental shelf.....	37
Note of Senegal, 2 April 1986.....	39
Note of Guinea-Bissau in response to the note of Senegal dated 2 April 1986, 21 August 1986.....	40
10. ICELAND	
Regulation No. 196, 9 May 1985, concerning the delimitation of the continental shelf to the west, south and east.....	41
11. INDONESIA	
Act No. 5 of 1983 on the Indonesian exclusive economic zone, 18 October 1983.....	45
12. MADAGASCAR	
Ordinance No. 85-013 determining the limits of the maritime zones (territorial sea, continental shelf and exclusive economic zone) of the Democratic Republic of Madagascar, 16 September 1985.....	52
13. MEXICO	
Federal Act relating to the sea, 8 January 1986.....	56
14. NETHERLANDS	
(a) Netherlands territorial sea (demarcation) Act of 9 January 1985.....	70
(b) Territorial sea of the Kingdom in the Netherlands Antilles (Extension) Act (Rijkswet), 9 January 1985.....	73
(c) Decree of 23 October 1985 governing the implementation of section 1 of the Territorial Sea of the Kingdom in the Netherlands Antilles (Extension) Act.....	73
15. OMAN	
Royal Decree concerning the territorial sea, continental shelf and exclusive economic zone, 10 February 1981.....	78
Note of the Islamic Republic of Iran, 4 February 1983.....	82

CONTENTS (continued)

	<u>Page</u>
16. ROMANIA	
Decree No. 142 of 25 April 1986 of the Council of State concerning the establishment of the exclusive economic zone of the Socialist Republic of Romania in the Black Sea.....	83
17. SAO TOME AND PRINCIPE	
Decree-Law No. 48/82 of 2 December 1982 on baselines.....	89
18. SENEGAL	
Act No. 85-14 delimiting the territorial sea, the contiguous zone and the continental shelf, 25 February 1985.....	91
19. SYRIAN ARAB REPUBLIC	
Law 37 of 16 August 1981 on extension of its territorial sea.....	93
Note of Israel, 12 March 1982.....	94
Note of New Zealand, 3 June 1982.....	95
20. UNION OF SOVIET SOCIALIST REPUBLICS	
(a) Law of the Union of Soviet Socialist Republics on the State frontier of the USSR, 24 November 1982 (Excerpts)...	96
(b) Decree of the Presidium of the Supreme Soviet of the USSR on the economic zone of the USSR, 28 February 1984.....	103
21. UNITED STATES OF AMERICA	
Note dated 13 January 1986 from the United States Mission to the United Nations addressed to the Secretary-General of the United Nations.....	111
Federal Register Notices on deep sea-bed mining published in 1984-1985.....	113
22. VANUATU	
The Maritime Zones Act No. 23 of 1981	124

CONTENTS (continued)

	<u>Page</u>
II. DECLARATIONS ON MARITIME JURISDICTION AND COMMUNICATIONS RELATED THERETO	
1. CHILE	
Declaration on Easter Island and Sala y Gomez Island: Extension of undersea sovereignty, 15 September 1985.....	131
2. ECUADOR	
Declaration on the continental shelf, 19 September 1985.....	133
3. UNITED STATES OF AMERICA	
Proclamation by the President of the United States of America on the exclusive economic zone of the United States of America, 10 March 1983.....	135
Statement by the President dated 10 March 1983.....	137
Statement delivered on 8 April 1983 by the Union of Soviet Socialist Republics as Chairman of the Group of Eastern European (Socialist) Countries in connection with the Proclamation issued on 10 March 1983 by the President of the United States of America.....	139
Statement made by the Soviet Government on 23 April 1983.....	141
4. VIET NAM	
Statement by the Government of the Socialist Republic of Viet Nam on the territorial sea baseline of Viet Nam (12 November 1982).....	143
Statement by China, 28 November 1982.....	145
Note of France, 5 December 1983.....	146
Statement by Thailand, 22 November 1985. Statement by the Ministry of Foreign Affairs on the Vietnamese claims concerning the so-called historical waters and the drawing of baselines.....	147
III. TREATIES	
1. CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION AND PROTOCOL CONCERNING CO-OPERATION IN COMBATING OIL SPILLS IN THE WIDER CARIBBEAN REGION, 24 MARCH 1983.....	149
2. TREATY OF PEACE AND FRIENDSHIP BETWEEN ARGENTINA AND CHILE, 18 OCTOBER 1984.....	169
3. SOUTH PACIFIC NUCLEAR-FREE ZONE TREATY, 6 AUGUST 1985.....	192
4. UNITED NATIONS CONVENTION ON CONDITIONS FOR REGISTRATION OF SHIPS, 7 FEBRUARY 1986.....	208

1. ALGERIA

[Original: French]

Decree No. 84-181 of 4 August 1984 defining the baselines for measuring the breadth of the maritime zones under national jurisdiction

Article 1. The breadth of the maritime zones under national jurisdiction, in particular the territorial sea, shall be measured from straight baselines and from lines enclosing bays.

Article 2. The lines delimiting the maritime zones in question shall be defined by the following co-ordinates:

I. From the Algerian-Moroccan frontier to Rachgoun Island
(Algerian chart No. 1201).

- From the Algerian-Moroccan frontier to Ras El Ouareye Rock
(co-ord: 035° 06' 04" N - 002° 10' 02" W).

- Ras El Ouareye Rock to Ras El Ouareye
(co-ord: 035° 06' 12" N - 002° 09' 08" W).

- Ras El Ouareye - Kef Bou Madane
(co-ord: 035° 05' 44" N - 002° 06' 58" W).

- Kef Bou Madane - Ras Kela
(co-ord: 035° 04' 44" N - 002° 01' 10" W).

- Ras Kela - Kef Riba
(co-ord: 035° 05' 12" N - 001° 56' 03" W).

- Kef Riba - Jetty Light
(co-ord: 035° 06' 22" N - 001° 52' 03" W).

- Jetty Light - Point west of Ras Tarsa
(co-ord: 035° 07' 45" N - 001° 48' 54" W).

- Point west of Ras Tarsa - Ras Chennaïra
(co-ord: 035° 10' 45" N - 001° 41' 54" W).

II. Rachgoun Island to Mersat Medekh
(Algerian chart No. 1202).

- Ras Chennaïra - Rachgoun Island
(co-ord: 035° 19' 38" N - 001° 28' 48" W).

- Rachgoun Island - Habibas Islands
(co-ord: 035° 43' 24" N - 001° 08' 48" W).

- Habibas Islands - N.E. Habibas Islands
(co-ord: 035° 44' 00" N - 001° 07' 00" W).

- N.E. Habibas Islands - Plane Island
(co-ord: 035° 46' 24" N - 000° 53' 56" W).

- Plane Island - Ras Falcon
(co-ord: 035° 45' 35" N - 000° 46' 45" W).

Bay of Oran:

- Ras Falcon - Ras Aiguille
(co-ord: 035° 52' 46" N - 000° 28' 58" W).
- Ras Aiguille - Aiguille Rock
(co-ord: 035° 53' 24" N - 000° 28' 12" W).
- Aiguille Rock - Ras Ferrat
(co-ord: 035° 54' 40" N - 000° 23' 00" W).
- Ras Ferrat - Rock above water at low tide
(co-ord: 035° 54' 48" N - 000° 22' 23" W).
- Rock above water at low tide - Ras Carbon
(co-ord: 035° 54' 38" N - 000° 20' 05" W).

III. Bordj Bouabed to Arzew
(Algerian chart No. 1203).

Bay of Arzew:

- Ras Carbon - Mouth of Oued Chlef
(co-ord: 036° 02' 32" N - 000° 08' 06" E).
- Mouth of Oued Chlef - Ras Ouillis Rock
(co-ord: 036° 06' 30" N - 000° 12' 00" E).
- Ras Ouillis Rock - Kef El-Asfer Rock
(co-ord: 036° 11' 43" N - 000° 20' 43" E).
- Kef El-Asfer Rock - Kef El-Aoua
(co-ord: 036° 12' 48" N - 000° 23' 45" E).

IV. Ras Aiguille to Kef El-Aoua and Bourtmenard to Kef Es-Souari
(Algerian charts Nos. 1204 and 1205).

- Kef El-Aoua - Ras Kramis
(co-ord: 036° 19' 53" N - 000° 39' 36" E).
- Ras Kramis - Ras Magroua
(co-ord: 036° 22' 00" N - 000° 48' 30" E).
- Ras Magroua - Hadjrat Nadji
(co-ord: 036° 26' 20" N - 000° 55' 12" E).
- Hadjrat Nadji - Ras Nadji
(co-ord: 036° 26' 54" N - 000° 56' 17" E).
- Ras Nadji - Pointe Rouge
(co-ord: 036° 29' 48" N - 001° 05' 010 E).
- Pointe Rouge - Kalah Islet
(co-ord: 036° 31' 06" N - 001° 11' 08" E).

- Kalah Islet - Ras Ténès
(co-ord: 036° 33' 12" N - 001° 20' 31" E).

- Ras Ténès - Calle Génoise
(co-ord: 036° 33' 20" N - 001° 22' 08" E).

V. Kef Es-Souari to Tipaza
(Algerian chart No. 1206).

- Calle Génoise - Kef Es-Souari
(co-ord: 036° 32' 30" N - 001° 28' 06" E).

- Kef Es-Souari - Djilari Rock
(co-ord: 036° 33' 30" N - 001° 41' 12" E).

- Djilari Rock - Tokibt Indich Islet
(co-ord: 036° 35' 40" N - 001° 50' 58" E).

- Tokibt Indich Islet - Kef Taska
(co-ord: 036° 34' 55" N - 001° 55' 00" E).

- Kef Taska - Berinshel Islet
(co-ord: 036° 38' 57" N - 002° 20' 53" E).

VI. Tipaza to Ras Matifou
(Algerian chart No. 1207).

- Berinshel Islet - Les Deux Ilots
(co-ord: 036° 37' 42" N - 002° 22' 50" E).

- Les Deux Ilots - Sidi Fredj
(co-ord: 036° 46' 04" N - 002° 50' 46" E).

- Sidi Fredj - Kef Acrata
(co-ord: 036° 48' 28" N - 002° 53' 50" E).

- Kef Acrata - Ras Caxine
(co-ord: 036° 49' 12" N - 002° 58' 27" E).

- Ras Caxine - Kef Raïs Hamidou
(co-ord: 036° 49' 17" N - 003° 01' 12" E).

Bay of Algiers:

- Kef Raïs Hamidou - Sandja Island
(co-ord: 036° 49' 15" N - 003° 15' 24" E).

VII. Ras Matifou to Ras Tedles
(Algerian chart No. 1208).

- Sandja Island - Rock east of Sandja Island
(co-ord: 036° 49' 04" N - 003° 18' 12" E).

- Rock east of Sandja Island - East of Ras Djinet
(co-ord: 036° 53' 20" N - 003° 44' 30" E).

- East of Ras Djinet - Oued Sebaou Rock
(co-ord: 036° 55' 00" N - 003° 50' 50" E).

- Oued Sabaou Rock - Ras Bengut
(co-ord: 036° 55' 38" N - 003° 53' 48" E).

VIII. Ras Tedles to Béjaïa
(Algeria chart No. 1209).

- Ras Bengut - Sidi Khaled Rock
(co-ord: 036° 54' 54" N - 004° 10' 56" E).

- Sidi Khaled Rock - Mers El Farm Rock
(co-ord: 036° 55' 04" N - 004° 20' 14" E).

- Mers El Farm Rock - Ras Corbelin
(co-ord: 036° 54' 46" N - 004° 26' 24" E).

- Ras Corbelin - Ras Sigli
(co-ord: 036° 53' 53" N - 004° 45' 39" E).

- Ras Sigli - El Euch
(co-ord: 036° 53' 42" N - 004° 47' 30" E).

- El Euch - Pisan Island
(co-ord: 036° 49' 41" N - 005° 00' 17" E).

IX. Béjaïa to Tazerout Island
(Algerian chart No. 1210).

- Pisan Island - Ras Carbon
(co-ord: 036° 46' 43" N - 005° 06' 24" E).

Bay of Béjaïa:

- Ras Carbon - Grand El Aouana
(co-ord: 036° 47' 17" N - 005° 36' 00" E).

- Grand El Aouana - Ras Afia
(co-ord: 036° 49' 20" N - 005° 41' 36" E).

- Ras Afia - Bouhman
(co-ord: 036° 49' 48" N - 005° 44' 34" E).

- Bouhman - Jijel Point
(co-ord: 036° 49' 48" N - 005° 46' 24" E).

- Jijel Point - Tazerout Island
(co-ord: 036° 52' 04" N - 006° 04' 05" E).

X. Jijel to Ras Kalaa
(Algerian chart No. 1211).

- Tazerout Island - Point east of Oued El Kebir
(co-ord: 036° 53' 55" N - 006° 09' 08" E).

- Point east of Oued El Kebir - Hadjra Sidi Mahchich
(co-ord: 036° 59' 15" N - 006° 14' 18" E).

- Hadjra Sidi Mahchich - Ras El Maghreb
(co-ord: 037° 01' 42" N - 006° 16' 00" E).

- Ras El Maghreb - Ras El Knakem
(co-ord: 037° 04' 12" N - 006° 20' 17" E).

- Ras El Knakem - Kef Lekhal
(co-ord: 037° 05' 29" N - 006° 25' 00" E).

- Kef Lekhal - Ras Bougaroun
(co-ord: 037° 05' 28" N - 006° 28' 06" E).

- Ras Bougaroun - Rock east of Bougaroun
(co-ord: 037° 05' 00" N - 006° 30' 18" E).

Rock east of Bougaroun - Ras El Kbiba
(co-ord: 037° 03' 22" N - 006° 32' 58" E).

- Ras El Kbiba - Kaf Djerda
(co-ord: 037° 01' 03" N - 006° 35' 07" E).

XI. Ras Kalaa to Ras Toukouch and Ras Toukouch to Ras Rosa
(Algerian charts Nos. 1212 and 1213).

- Kef Djerda - Ras Kalaa
(co-ord: 036° 57' 55" N - 006° 45' 12" E).

Bay of Skikda:

- Ras Kalaa - Rock east of Ras El Hadid
(co-ord: 037° 05' 48" N - 007° 12' 23" E).

- Rock east of Ras El Hadid - Ras Toukouch
(co-ord: 037° 05' 11" N - 007° 23' 45" E).

- Ras Toukouch - Axin Rock
(co-ord: 037° 03' 12" N - 007° 30' 45" E).

- Axin Rock - Pain de Sucre
(co-ord: 036° 58' 51" N - 007° 39' 40" E).

- Pain de Sucre - Ras El Hamra
(co-ord: 036° 58' 20" N - 007° 47' 12" E).

Bay of Annaba:

- Ras El Hamra - Ras Rosa
(co-ord: 036° 57' 12" N - 008° 14' 20" E).

- Ras Rosa - Ras El Alem
(co-ord: 036° 55' 00" N - 008° 24' 17" E).

XII. Ras Rosa to Ras Kavansu
(Algerian chart No. 1414).

- Ras El Alem - Aïn B'har
(co-ord: 036° 56' 43" N - 008° 37' 00" E).

- Aïn B'har - Algerian-Tunisian frontier
(co-ord: 036° 56' 41" N - 008° 38' 30" E).

Article 3. The waters within the baselines defined in the preceding article shall be regarded as internal waters fully subject to the jurisdiction resulting from national sovereignty.

Article 4. This Decree shall be published in the Journal officiel of the People's Democratic Republic of Algeria.

2. CHILE

[Original: Spanish]

Law No. 18.565 amending the Civil Code with regard to
maritime space

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

1. Article 593 is replaced by the following:

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

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

2. Insert the following as article 596:

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

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

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

3. Replace article 611 by the following:

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

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

3. EQUATORIAL GUINEA

[Original: Spanish]

Act No. 15/1984 of 12 November 1984 on the territorial sea and
exclusive economic zone of the Republic of Equatorial Guinea

PART I
The territorial sea

Article 1

The sovereignty of the Republic of Equatorial Guinea extends to the entire national territory consisting, in accordance with the boundaries inherited from the colonial era, of the mainland area of Río Muni and the islands of Bioko, Annobón, Corisco, Elobey Grande, Elobey Chico and adjacent islets, internal waters and the adjacent belt of sea described as the territorial sea.

This sovereignty is exercised, in accordance with international law, over the water column, the sea-bed and subsoil, the resources of this sea and the superjacent airspace.

Article 2

The breadth of the territorial sea shall be 12 nautical miles measured from the baselines.

Article 3

The baseline for measuring the breadth of the territorial sea is the low-water line along the coast.

Where there are river mouths, bays, ports, islands and other indentations, however, the baselines for measuring the territorial sea shall be the straight baselines set, in accordance with international law, by the Technical Commission established by this Act.

Article 4

Except where otherwise provided, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the Republic of Equatorial Guinea.

Article 5

With regard to coastal States the coastline of which is adjacent to or opposite the coastline of the Republic of Equatorial Guinea, the territorial sea shall not extend beyond a median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two States, drawn in accordance with international law, is measured.

Article 6

Ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea of the Republic of Equatorial Guinea.

Article 7

Passage is innocent so long as it is not prejudicial to the peace, good order or security of Equatorial Guinea.

Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of Equatorial Guinea if in the territorial sea it engages in any of the following activities:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Equatorial Guinea, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act of propaganda or any act aimed at collecting information to the prejudice of the defence or security of Equatorial Guinea;
- (d) The launching, landing or taking on board of any aircraft or military device;
- (e) The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Equatorial Guinea;
- (f) Any act of serious international pollution contrary to international law;
- (g) The carrying out of any fishing activities, research activities or hydrographic surveys without the corresponding authorization or licence;
- (h) Any act aimed at interfering with any systems of communication or any other facilities or installations of Equatorial Guinea;
- (i) Any other activity not having a direct bearing on passage.

Article 8

In the territorial sea, submarines and any other foreign underwater vehicles are required to navigate on the surface and to show their flag.

Article 9

Notwithstanding the provisions of article 6 of this Act, foreign ships, by the mere fact of exercising the right of innocent passage through the territorial sea, shall have to comply with any laws and regulations relating to innocent passage enacted by Equatorial Guinea in respect of all or any of the following:

- (a) The safety of navigation and the regulation of maritime traffic;
- (b) The protection of navigational aids and other facilities or installations;

- (c) The protection of cables and pipelines;
- (d) The conservation of the living resources of the sea;
- (e) The prevention of infringement of fisheries laws and regulations;
- (f) The preservation of the environment and the prevention, reduction and control of pollution thereof;
- (g) Marine scientific research and hydrographic surveys;
- (h) The prevention of infringement of customs, fiscal, immigration and sanitary laws and regulations.

PART II

The exclusive economic zone

Article 10

The exclusive economic zone is an area beyond and adjacent to the territorial sea.

The exclusive economic zone of the Republic of Equatorial Guinea extends from the outer limit of the territorial sea of the Republic of Equatorial Guinea up to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 11

1. Except where otherwise provided in international treaties concluded with States whose coastlines are opposite or adjacent to those of Equatorial Guinea, the outer limit of the exclusive economic zone of Equatorial Guinea shall not extend beyond the equidistant median line.

2. Equidistant line means that line every point of which is at an equal distance from the nearest points on the line of passage drawn from each State in accordance with international law.

Article 12

In the exclusive economic zone, the Republic of Equatorial Guinea has sovereign rights for the purpose of exploiting, exploring, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation of the zone.

Article 13

In the exclusive economic zone, the Republic of Equatorial Guinea has exclusive jurisdiction with regard to:

- (a) Marine scientific research;
- (b) The establishment and use of artificial islands, installations and structures;

(c) The protection and preservation of the environment;

(d) Any other matters which the Government of the Republic of Equatorial Guinea may establish, in accordance with international law.

Article 14

In the exclusive economic zone, fishing shall be reserved for nationals of Equatorial Guinea.

Foreign fishermen shall be able to fish in the exclusive economic zone only when a provision to this effect exists in international treaties concluded by the Republic of Equatorial Guinea with the corresponding States or when the competent authority of Equatorial Guinea grants a special licence outside the framework of an international agreement.

Additional provisions

1. There is hereby established a Technical Commission consisting of representatives of the Ministries of Foreign Affairs and Co-operation; Water, Woods and Reforestation; National Defence; Justice and Worship; Mines and Hydrocarbons; and Public Works, Housing and Urban Development, which shall be responsible for preparing, for submission to the Council of Ministers, charts of an adequate scale showing the baselines used to measure the breadth of the territorial sea, and the limits derived therefrom, in accordance with the provisions of this Act.

2. Such charts shall be accompanied by lists of geographical co-ordinates of points, each of which shall specify the geodetic datum. These charts shall form part of this Act.

3. The above-mentioned Ministries shall designate their respective representatives to the Technical Commission within one month from the date of publication of this Act in the official information media.

4. Any matter not covered by this Act shall be covered by the provisions of the United Nations Convention on the Law of the Sea of 30 April 1982.

Final provisions

1. All legislation conflicting with this Act, in particular Decree-Law No. 17/1970 of 24 September 1970 and Decree-Law No. 28/1976 of 17 October 1976, is hereby revoked.

2. This Act shall enter into force on the date of its publication in the official information media.

4. FRANCE

[Original: French]

Decree No. 85/185 of 6 February 1985 regulating the passage
of foreign ships through French territorial waters

Article 1. Foreign ships shall enjoy the right of passage through French territorial waters according to the rules of innocent passage as defined by this Decree.

Article 2. Passage means navigation through the territorial waters for the purpose of:

(a) Traversing them without entering internal waters or calling at a roadstead or port facility outside internal waters;

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

Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 3. - Passage is innocent so long as it is not prejudicial to the peace, good order or security of the State.

Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the State if in the territorial waters it engages in any activity not having a direct bearing on passage, including:

1. Any threat or use of force against the sovereignty, territorial integrity or political independence of the State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

2. Any exercise or practice with weapons of any kind;

3. Any act aimed at collecting information to the prejudice of the defence or security of the State;

4. Any act of propaganda aimed at affecting the defence or security of the State;

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

6. The launching, landing or taking on board of any military device;

7. The loading or unloading of any commodity, currency or person contrary to the laws and regulations in force;
8. Any act of wilful and serious pollution;
9. Any fishing activities;
10. The carrying out of research or survey activities;
11. Any act aimed at interfering with any systems of communication or any other facilities or installations located in French territory or in French territorial waters.

Article 4. In the territorial waters, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 5. The maritime prefect in mainland France and the representative of the Government in the overseas departments, overseas Territories and the territorial community of Mayotte, may take the necessary steps in their territorial waters to prevent or interrupt any passage which is not innocent.

In the case of foreign ships proceeding to internal waters or a call at a port facility outside internal waters, the above-mentioned authorities may also take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

Article 6. The authorities referred to in article 5 above may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through French territorial waters to use such sea lanes and traffic separation schemes as they may designate or prescribe, particularly in the case of tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials. The sea lanes and traffic separation schemes shall be indicated on sea charts to which due publicity shall be given.

These same authorities may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of the territorial waters the exercise of the right of innocent passage of foreign ships if such suspension is essential for the protection of the State's security, including weapons exercises. Such suspension shall take effect only after having been duly published.

Article 7. The provisions of this Decree are applicable to the overseas Territories and to the territorial community of Mayotte.

Article 8. The Garde des Sceaux and Minister of Justice, the Minister for Foreign Affairs, the Minister of Defence, the Minister of the Interior and Decentralization, the Minister of Urbanization, Housing and Transport, the Secretary of State to the Minister of the Interior and Decentralization responsible for overseas departments and Territories and the Secretary of State to the Minister of Urbanization, Housing and Transport responsible for maritime affairs, shall be responsible, each in his own area, for the execution of this Decree, which shall be published in the Official Gazette of the French Republic.

5. GABON

[Original: French]

Act No. 9/84 establishing an exclusive economic zone
of 200 nautical miles

ARTICLE 1

A maritime zone, called the exclusive economic zone, shall be established, situated beyond Gabonese territorial waters and adjacent thereto.

ARTICLE 2

The exclusive economic zone shall extend for a distance of 200 nautical miles, calculated from the straight baselines and normal baselines that serve to measure the breadth of the territorial sea.

ARTICLE 3

Within its exclusive economic zone, the Gabonese State shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed, its subsoil and superjacent waters.

The sovereignty of the Gabonese State shall be asserted through its right to undertake the economic exploitation and exploration of this zone, for example for the production of energy from the water, currents and winds.

ARTICLE 4

In this zone, the Gabonese State shall have the exclusive right to construct, use and exploit and to authorize and regulate the construction, operation and use of artificial islands, installations and structures for the purposes provided for in article 3 above and other economic purposes.

ARTICLE 6

All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

ARTICLE 7

The Gabonese State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

ARTICLE 8

The Gabonese State shall have exclusive competence within its exclusive economic zone with respect to marine scientific research and the preservation of the marine environment.

ARTICLE 9

In the exclusive economic zone, priority fishing rights shall be reserved for vessels flying the Gabonese flag or operated by Gabonese nationals or by legal entities under Gabonese law.

ARTICLE 10

The Gabonese State shall determine the allowable catch of the living resources in its exclusive economic zone and shall ensure through proper conservation and management measures that its resources are not overexploited.

ARTICLE 11

Where the outer limits of the exclusive economic zone as determined in accordance with the provisions of article 2 above encroach on the exclusive economic zone of a bordering or neighbouring State, joint limits shall be established by agreement with the State in question or in accordance with the generally recognized principles of international law on delimitation.

ARTICLE 12

Beyond the outer limit of the territorial sea, the establishment of the exclusive economic zone shall not affect the freedoms of navigation, of overflight and of the laying of submarine cables and pipelines, or the use of the sea for other internationally authorized purposes related to the exercise of such freedoms.

ARTICLE 13

In exercising the freedoms referred to in article 12 above, foreign States and their nationals shall take into account the sovereign rights of the Gabonese State and respect its laws and regulations in accordance with international law.

ARTICLE 14

Any foreign vessel exercising the freedoms referred to in article 12 above shall be prohibited from engaging in the exclusive economic zone in any fishing activity, including the stowage of fishing equipment and gear, research and any pollution or endangerment of the marine environment harmful to the resources of the zone or to the economic interests of the Gabonese State.

ARTICLE 15

Over an area described as the contiguous zone, situated beyond the territorial sea and adjacent to it and extending up to a distance of 24 nautical miles calculated from the straight baselines and the normal baselines which serve to measure the breadth of the territorial sea, the Gabonese State shall exercise the control necessary to:

- Prevent infringement of its customs, fiscal, sanitation or immigration laws and regulations;

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

ARTICLE 16

The provisions of this Act shall not be an obstacle to the principles of international co-operation to which the Gabonese State subscribes and which have been embodied in agreements with other States, without prejudice to its sovereign rights and to respect for its legitimate interests.

ARTICLE 17

This Act, which supersedes all previous conflicting provisions, shall be registered, issued in accordance with emergency procedures and implemented as a law of the State.

6. GERMAN DEMOCRATIC REPUBLIC

[Original: English]

Second Ordinance for the implementation of the Law on the
State frontier of the German Democratic Republic
(Frontier Ordinance)
20 December 1984

On the basis of articles 4, para. (4) and 40 of the Frontier Law of 25 March 1982 (Gesetzblatt I, No. 11, p. 197) the following is decreed:

Article 1

(1) The breadth of the territorial sea of the German Democratic Republic shall be extended in compliance with article 4, para. (3) of the Frontier Law.

(2) The outer limit of the territorial sea of the German Democratic Republic (maritime boundary) shall, beginning from the State frontier of the German Democratic Republic to the Federal Republic of Germany, be defined by the lines connecting the co-ordinates of the following points:

- | | | |
|----|---|--|
| 1. | Latitude 53°57'30" N
Longitude 10°54'18" E | |
| 2. | Latitude 53°57'55" N
Longitude 10°54'18" E | State frontier between the
German Democratic Republic and
the Federal Republic of Germany. |
| 3. | Latitude 53°59'38" N
Longitude 10°56'50" E | |
| 4. | Latitude 54°02'36" N
Longitude 11°00'36" E | |
| 5. | Latitude 54°03'32" N
Longitude 11°02'45" E | |
| 6. | Latitude 54°09'04" N
Longitude 11°15'30" E | |
| 7. | Latitude 54°21'10" N
Longitude 11°48'00" E | |
| 8. | Latitude 54°21'10" N
Longitude 12°08'40" E | |
| 9. | Latitude 54°26'40" N
Longitude 12°16'45" E | |

7. GERMANY, FEDERAL REPUBLIC OF

[Original: English]

(a) Note verbale

The Permanent Mission of the Federal Republic of Germany to the United Nations sent to the Special Representative of the Secretary-General for the Law of the Sea a note dated 11 October 1985, which reads as follows:

"I have the honour to inform you of the Federal Government's Decree promulgated on 12 November 1984 (Federal Law Gazette I, p. 1366) on the Extension of the Territorial Sea of the Federal Republic of Germany in the North Sea for Preventing Tanker Casualties in the German Bight. This Decree and the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways of 9 January 1985 (Federal Law Gazette I, p. 38) entered into force on 16 March 1985.

"The Decree of 12 November 1984 was published as notice No. 85-574 in the supplement to issue No. 4/1985 of the "Information for Mariners". The Sixth Ordinance of 9 January 1985 was published as notice No. 85-1224 in the supplement to issue No. 10/1985 of the "Information for Mariners". Copies of the two notices, including unofficial translations, as well as of Maritime Chart No. 50 are enclosed for reference (see annexes I to III).

"The earlier notice, No. 70-1184, of the "Information for Mariners" dated 28 January 1970, concerning the baselines of the territorial sea in the North Sea has become obsolete to the extent that it refers to a uniform breadth of the territorial sea of three nautical miles. Apart from that, however, notice No. 70-1184 contains basic information on the Maritime Charts of the Federal Republic of Germany which continues to be of interest. Thus, it is pointed out that in the absence of up-to-date corrections the charts are not suitable for navigational purposes.

"Notice No. 78-3240, by which the straight baselines in the Baltic Sea were published in issue No. 32 of the "Information for Mariners", continues in full force and effect."

(b) Decree on the extension of the territorial sea in the North Sea for preventing tanker casualties in the German Bight of 12 November 1984

Annex I

Notice 85-574 on the extension of the territorial sea in the North Sea: additional provisions to the 1972 Collision Regulations

1. This is to give notice of the Federal Government's Decree promulgated on 12 November 1984 (Federal Law Gazette I, p. 1366) on the "Extension of the Territorial Sea of the Federal Republic of Germany in the North Sea for Preventing Tanker Casualties in the German Bight", the English translation of which reads as follows:

"The territorial sea of the Federal Republic of Germany shall be extended in the North Sea to enable appropriate action to be taken against the risk of tanker casualties and of pollution by oil of the sea and the coast of the German Bight. The outer limits of the extension area of the territorial sea of the Federal Republic of Germany shall be defined as follows (co-ordinates given as per European Datum (ED)):

"To the west, a line formed by the meridian in longitude 7°24'36" E bounded, on one end, by the point of intersection of this meridian with the current 3-mile limit of the territorial sea of the Federal Republic of Germany, which is situated to the north-west of Langeoog in latitude 57°47'38" N and, on the other end, by the northernmost point of the deep-water anchorage with co-ordinates 54°08'11" N 7°24'36" E.

"To the north, a tangent from the last-mentioned point to a point on the current circular limit of the territorial sea to the north-west of Heligoland with co-ordinates 54°14'26" N 7°49'50" E; hence the current northern limit of the island's territorial sea up to a point to the north-east of Heligoland with co-ordinates 54°13'36" N 7°58'57" E, where the tangent from a point on the current limit of the territorial sea off the Elbe estuary with co-ordinates 54°01'11" N 8°18'40" E touches the current circular limit of the territorial sea to the north-east of Heligoland.

"The last mentioned tangent forms the eastern limit of the extension area of the territorial sea."

The above Decree shall enter into force on 16 March 1985.

2. Upon the entry into force of the Decree, all legislation of the Federal Republic of Germany, including the Penal Code and the Water Management Acts of both the Federation and the Länder involved, shall be applied in the extension area in the same way as they have been hitherto applied in the three-mile zone.

Concurrently with the extension of the territorial sea, the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways of 9 January 1985 (Federal Law Gazette I, p. 38) shall enter into force. Under this Ordinance, only some provisions of the Traffic Regulations for Navigable Waterways shall become

applicable to vessels navigating in the area of extension of the territorial sea, i.e., in the area lying between the previous and the new seaward boundary of the territorial sea. However, the Traffic Regulations for Navigable Waterways shall continue to apply without restrictions in the traditional territorial sea (the three-mile zone) around the Isle of Heligoland.

Only the following provisions of the Traffic Regulations for Navigable Waterways shall, in addition to the 1972 Collision Regulations, apply to the area of extension of the territorial sea:*

Section 3	(General principles of conduct in traffic)
Section 4	(Responsibility)
Section 7 (1)	(Vessels in public service)
Section 14	(Signals for vessels carrying certain dangerous goods)
Section 32 (5)	(Anchoring in roadsteads)
Section 55	(Competences of river and shipping police authorities)
Section 56	(Ad hoc orders by shipping police authorities)
Section 58	(Reports to Shipping Police authorities)
Section 59	(Exemption clause)
Section 60	(Issue by shipping police authorities of notices and statutory ordinances)
Section 61	(Administrative offences [Provisions on administrative fines])

In addition to the above, a new provision (sect. 24 (a)) obliging vessels navigating in the area in question to avoid impeding the safe passage of vessels constrained by their draught shall apply. The English translation of this provision reads as follows:

"Section 24 (a) - Obligation of vessels navigating in the area of extension of the territorial sea in the German Bight to avoid impeding the safe passage of vessels constrained by their draught.

"In derogation of the provisions of rule 18 (d) of the Collision Regulations any vessel, other than a vessel not under command, navigating in the area of extension of the territorial sea in the German Bight shall, irrespective of the circumstances of the case, avoid impeding the safe passage of a vessel constrained by her draught and shall take avoiding action in ample time. This provision shall apply, in particular, to any vessel approaching a vessel constrained by her draught so as to involve risk of collision."

This provision is to emphasize that, in derogation of rule 18 (d) of the 1972 Collision Regulations, the safe passage of a vessel constrained by its draught (exhibiting the signals in rule 28 of the Collision Regulations) navigating in the area of extension of the territorial sea in the German Bight must not be impeded,

* An unofficial English translation of the following provisions will be published together with the forthcoming Repeat Notice.

irrespective of the circumstances of the case. To that extent, clarifications 3 and 7 of the Guidance for the Uniform Application of Certain Rules of the 1972 Collision Regulations (MSC/Circ.320) shall not apply in that area; this means that no vessel constrained by its draught will be deemed a give-way vessel.

The entry into force on 16 March 1985 of the extension of the territorial sea and of the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways will again be announced by a Repeat Notice.

(c) Sixth Ordinance to amend the traffic regulations for navigable waterways of 9 January 1985

Annex II

Notice 85-1224 on the German Bight - Extension of the territorial sea: additional provisions to the 1972 Collision Regulations

Imminent entry into force, deep-water anchorage, mandatory reporting scheme: Joint Notice by the Waterways and Shipping Directorates, North and North-West

Notice 85-574 published in the supplement to issue No. 4/1985 of the Notices to Mariners refers.

The Federal Government's Decree promulgated on 12 November 1984 (Federal Law Gazette I, p. 1366) on the "Extension of the Territorial Sea of the Federal Republic of Germany in the North Sea for Preventing Tanker Casualties in the German Bight" will enter into force on 16 March 1985 at 0000 standard time (15 March 1985 at 2300 UTC (universal time co-ordinated)).

At the same time, the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways (Seeschiffahrtstrassen-Ordnung) of 9 January 1985 (Federal Law Gazette I, p. 38) will enter into force. In the area of extension of the territorial sea, the following provisions of the Traffic Regulations for Navigable Waterways will apply, in addition to the 1972 Collision Regulations: sections 3, 4, 7 (1), 14, 24 (a), 32 (5), 55, 56, 58, 59, 60 and 61.

The unofficial English translation of these sections, except for section 24 (a), may be found in the annex to this notice [see appendix].

Special attention is again drawn to the new section 24 (a) obliging vessels, other than vessels not under command, navigating in the area of extension of the territorial sea to avoid impeding the safe passage of vessels constrained by their draught. The English translation of this provision reads as follows:

"Section 24 (a) - Obligation of vessels navigating in the area of extension of the territorial sea in the German Bight to avoid impeding the safe passage of vessels constrained by their draught.

"In derogation of the provisions of rule 18 (d) of the Collision Regulations, any vessel, other than a vessel not under command, navigating in the area of extension of the territorial sea in the German Bight shall, irrespective of the circumstances of the case, avoid impeding the safe passage of a vessel constrained by her draught and shall take avoiding action in ample time. This provision shall apply, in particular, to any vessel approaching a vessel constrained by her draught so as to involve risk of collision."

The chartlet illustrating the area of extension of the territorial sea, which was printed in the supplement to issue No. 4/1985 of the Notices to Mariners, shows two anchorages off the Weser Estuary; however, these were relocated some time ago. The chartlet attached to this notice gives a correct picture of the situation.

In implementation of the Sixth Ordinance to Amend the Traffic Regulations for Navigable Waterways (hereinafter referred to as "the Regulations"), a joint notice relating to anchorages (sect. 2 of the Regulations) and to reports to shipping police authorities (sect. 58 of the Regulations) has been issued by the Waterways and Shipping Directorates North and North-West; the English translation of this joint notice reads as follows:

- "1 Anchorage
(Item 3 of sect. 2 (1) of the Regulations refers).
- The Deep-Water Anchorage is delineated by a line joining the following positions:
- 54°08'11" N 07°24'36" E (TW 11 Buoy)
Jade
- 54°00'27" N 07°24'36" E (DB 16 Buoy)
Reede
- 54°01'39" N 07°33'04" E (DB 18 Buoy)
Jade
- "2 Mandatory reporting scheme
(sect. 58 (1), (2) and (4) of the Regulations refers).
- "2.1 Vessels under the terms of section 58 (1) of the Regulations shall comprise vessels, including towing and pushing units, exceeding a length of 50 metres.
- "2.2 River and shipping police authorities under the terms of section 58 (4) of the Regulations shall comprise the Waterways and Shipping Offices of Wilhelmshaven and Cuxhaven.
- "2.2.1 Reports under the provisions of section 58 (1) of the Regulations shall be made by those vessels proceeding in an easterly direction before and when entering the area of extension of the territorial sea, respectively, by those vessels en route from a northerly direction when passing the reporting positions specified in item 2.2.2 below. Reports shall be forwarded to Traffic Control Centre, Wilhelmshaven (Revierzentrale Wilhelmshaven) via "Deutsche Bucht Revier Radio" on VHF channel 80.
- "2.2.2 Reporting positions.
- "2.2.2.1 Reports under the provisions of item 1 of section 58 (1) of the Regulations (including the vessel's name, position, dimensions and port of destination) shall be made as follows:

- Vessels proceeding in the traffic separation scheme "Deutsche Bucht Lightvessel Western Approach" in an easterly direction shall make their reports when passing the "TW 7" lightbuoy.
- Vessels proceeding in the traffic separation scheme "Off Terschelling and in the German Bight" in an easterly direction shall make their reports when passing the "DB 13" lightbuoy.
- Vessels approaching a position between light vessel Deutsche Bucht and Helgoland shall make their reports when passing the parallel in latitude 54°20'00" N.

Such reports shall include the information required under the provisions of item 2 of section 58 (1) of the Regulations.

"2.2.2.2 Reports under the provisions of item 2 of section 58 (1) of the Regulations (including the vessel's name, position, speed and time of passage) shall be made as follows:

- Vessels proceeding in the traffic separation scheme "Deutsche Bucht Lightvessel Western Approach" in an easterly direction shall make their reports when passing the "TW 9" lightbuoy.
- Vessels proceeding in the traffic separation scheme "Off Terschelling and in the German Bight" in an easterly direction shall make their reports when passing the "DB 17" lightbuoy."

This joint notice will also enter into force on 16 March 1985 at 0000 standard time (15 March 1985 at 2300 UTC).

Mariners are requested to observe strictly the provisions of the above notice.

Appendix

Annex to Notice 85-1224

Extracts from the Traffic Regulations for Navigable Waterways
(Seeschiffahrtstrassen-Ordnung)

The following provisions of the Traffic Regulations for Navigable Waterways (Seeschiffahrtstrassen-Ordnung), hereinafter referred to as "these Regulations", are applicable to ships navigating in the area of extension of the territorial sea of the Federal Republic of Germany as described in Notice 85-574.

Section 3

General principles of conduct in traffic

(1) The conduct of any person participating in marine traffic shall be such as to ensure the safety and easy flow of traffic and to ensure further that no other person will be exposed to any damage or danger or, beyond the inevitable necessity of the prevailing circumstances, be impeded or molested. Any precaution that may be required by the ordinary practice of seamen or by the special circumstances of the case shall be taken.

(2) Having due regard to any special circumstances prevailing, any action that may be necessary shall be taken to avoid immediate danger, even if such action implies a departure from the provisions of these Regulations.

(3) No person unable safely to navigate a vessel as a result of physical or mental disablement, or under the influence of alcoholic beverages or other intoxicants, may navigate a vessel.

Section 4

Responsibility

(1) The person in charge of a vessel as well as any other person responsible for a vessel's safety shall comply with the provision of these Regulations on the conduct in traffic and on the fitting of vessels with appliances for exhibiting visual signals and for making sound signals.

(2) A sea pilot shall also be deemed to be responsible; he shall provide advice to the person in charge of a vessel so as to enable him or her to comply with the provisions of these Regulations.

(3) Notwithstanding the provisions of paragraph (1), the person in charge of a towing or pushing unit shall be responsible for the safe navigation of such unit. The person in charge of the towing or pushing vessel shall be deemed to be

the person in charge of the entire unit; however, the persons in charge of the vessels involved may, prior to setting out on a voyage, designate the person in charge of a vessel other than the pushing or towing vessel to be the person in charge of the towing or pushing unit.

(4) In the event that the person in charge of a vessel has not been identified, and several persons are legally entitled to be in charge of such vessel, these persons shall, prior to setting out on a voyage, designate the responsible person in charge.

(5) Nothing in this section shall affect the responsibility of any other person as may arise from the provisions of these Regulations or from any other relevant provision.

Section 7 (1)

Vessels in public service

Any vessel in public service shall be exempt from the provisions of these Regulations to the extent that this is imperative for the exercise of official functions, due regard being had to public safety and order. In the event that the safety and easy flow of traffic is affected through the exercise of police functions, the signal described under item 1 of annex II.1 (a continuous, quick-flashing blue light) shall be exhibited.

Section 14

Signals for vessels carrying certain dangerous goods

(1) Vessels carrying certain dangerous goods (e.g. gases, chemicals, oil and oil products in bulk) shall, in addition to the signals prescribed by the International Regulations for Preventing Collisions at Sea, exhibit the signals described under item 6 of annex II.1 (by day, Flag "B" of the International Code of Signals; by night, an all-round red light). These signals shall also be exhibited by vessels anchoring or having moored. The first and second sentences of this paragraph shall not apply to warships.

(2) Paragraph (1) shall also apply to tankers which, after having discharged certain dangerous goods, have not yet been cleaned and gas-freed, unless such tankers have been completely inerted.

Section 32 (5)

Anchoring in roadsteads

No vessel may anchor in a roadstead unless, with regard to the purpose of such roadstead, it is permitted to lie there.

Applicable conditions and requirements shall be made known by the competent river and shipping police authority.

Sections 55 and 56 are addressed to national shipping police authorities.

Section 58

Reports to shipping police authorities

(1) Reports shall be made by any vessel, towing and pushing unit exceeding the sizes and dimensions made known by the competent river and shipping police authority as follows:

1. In good time before entering any one of the navigable waterways made known by river and shipping police authorities, the name, the position, the dimensions and the port of destination shall be given;

2. When passing the positions made known, the name, the position, the speed and the time of passage shall be given.

A report as prescribed by the first sentence of this paragraph shall also be made when a voyage is interrupted or resumed, as the case may be.

(2) A report shall be made by any vessel under the terms of section 30 (1) 24 hours before entering any one of the following navigable waterways but, at any rate, not later than upon leaving her last port of departure: Ems River, Jade River, Weser River, Hunte River, Elbe River, Kiel Canal and Kiel Fjord. Any such vessel shall also comply with the provisions of item 2 of the first sentence as well as with those of the second sentence of paragraph (1).

(3) Any report under the terms of the first sentence of paragraph (2) shall comprise the following information:

1. The name and call sign of the vessel;

2. The estimated time of arrival at the first reporting position made known (the day being given in two digits, the hour being expressed in local time and given in four digits);

3. The nationality of the vessel;

4. The length and draught of the vessel;
5. The port of departure and the port of destination;
6. The kinds of cargo and a description of the dangerous goods listed in annex III, as well as the quantities in question;
7. When chemicals or liquefied gases are carried in bulk, an indication whether the vessel in question carries a Certificate of Fitness under the provisions of, respectively, the IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk or the IMO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
8. A declaration whether there are any deficiencies in respect of the vessel or its cargo;
9. The owner or owner's representative.

(4) Reports under the provisions of paragraphs (1) and (2) shall be forwarded by the person in charge of the vessel in question, its owner or a representative of either one to the river and shipping police authority competent for the navigable waterway in question. Reports under the provisions of the first sentence of paragraph (2) shall be made in writing.

Section 59

Exemption clause

River and shipping police authorities may grant exemptions from any one or several of the provisions of these Regulations on a case-by-case basis.

Section 60

Issue by shipping police authorities of notices and statutory ordinances

(1) The Waterways and Shipping Directorates North and North-West are herewith authorized to issue such Notices under the provisions of these Regulations as may be necessary for the prevention of dangers to the safety and easy flow of traffic. Such Notices shall be published in the Federal Register (Bundesanzeiger).

(2) The Waterways and Shipping Directorates North and North-West are herewith authorized to issue statutory ordinances on the delineation of military and civil Exercise Areas and Prohibited Areas as well as on the conduct of vessels thereby necessitated.

(3) The Waterways and Shipping Directorates North and North-West are herewith authorized to issue, by way of statutory ordinances, temporary orders as may become necessary on special occasions to ensure the safety and easy flow of traffic on a given navigable waterway. Such orders may, in particular, be occasioned by works undertaken on the waterway, by public events, or by temporarily prevailing fairway conditions. The provisions of the first sentence of this paragraph shall also apply to such temporary orders as may be necessary for taking measures within the scope of shipping police authorities for trial purposes or for such time until an amendment to these Regulations takes effect. No such order shall remain in force for more than three years.

Section 61 (Extracts)

Administrative offences

(Provisions on administrative fines)

(1) An administrative offence shall be deemed to have been committed under the terms of item 2 of section 15 (1) of the Maritime Navigation (Federal Competences) Act or under the terms of section 7 (1) of the Inland Navigation (Federal Competences) Act by any person who, wilfully or by negligence

1. Contravenes any one or several of the provisions of section 3 (1) on the general principles of conduct in traffic or, in contravention of the provisions of section 3 (3), navigates a vessel although being unable safely to navigate such vessel;

2. Contravenes the provisions of section 4 (2) on the obligation of sea pilots to provide advice to the person in charge of a vessel or the provisions of section 4 (4) on the designation of the responsible person in charge;

...

8. Acts in contravention of ... [the relevant provisions of sect. 14 on the exhibition of signals for vessels carrying certain dangerous goods] ...;

...

15. Acts in contravention of ... [the relevant provisions of sect. 32 (5) on anchoring in roadsteads] ...;

...

37. Does not comply with an enforceable ad hoc order issued by a Shipping Police authority under the terms of section 56 (1);

...

40. In contravention of section 58, does not make a report as required by that section or, while making such report, fails to do so in good time or to comply with each and all of the provisions and requirements applicable.

(2) In cases related to item 15 above, an administrative offence shall be deemed to have been committed also under the terms of item 2 of section 50 (1) of the Federal Waterways Act by any person who, wilfully or by negligence, acts in contravention of a regulation issued by a river police authority.

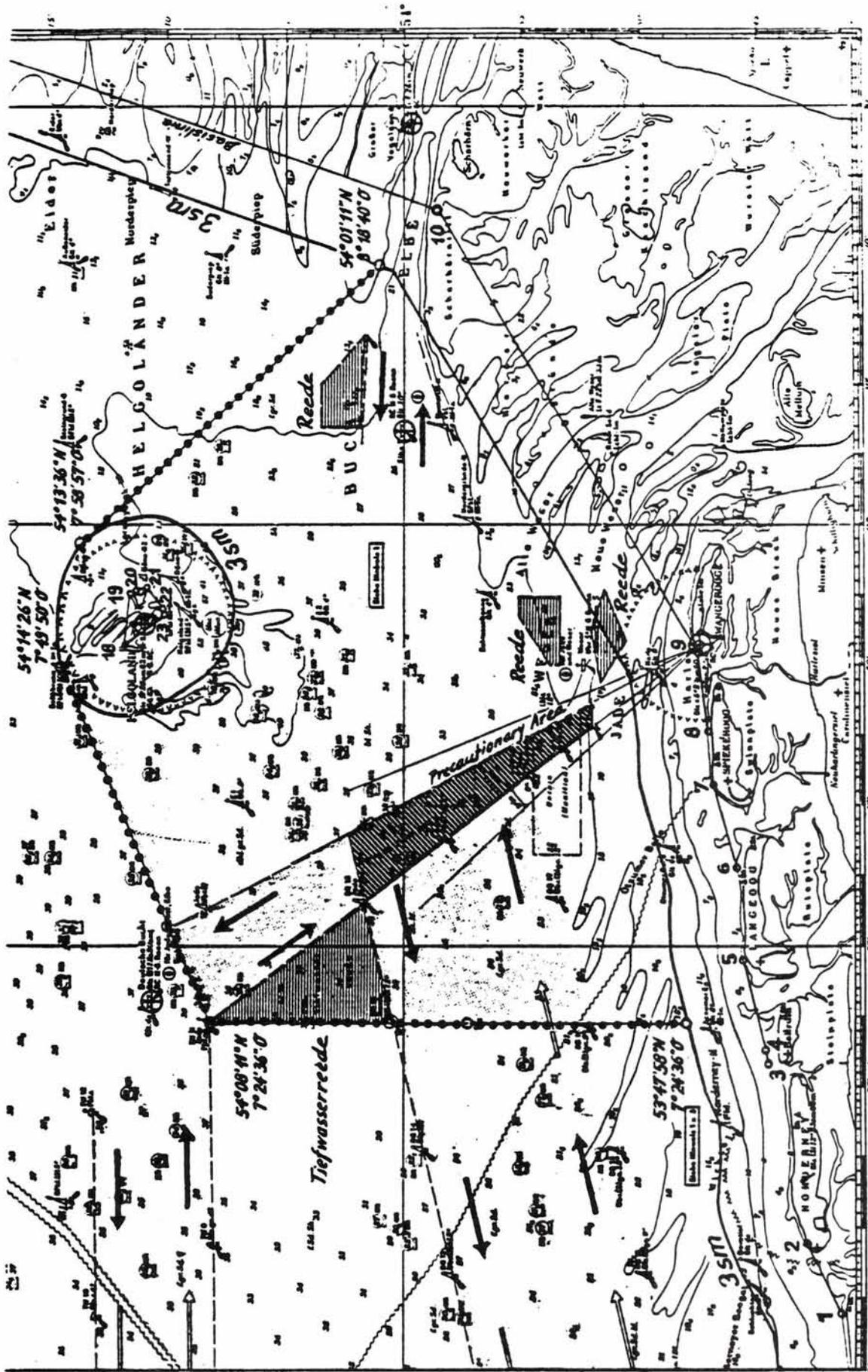
(3) The competence for prosecuting administrative offences under the terms of paragraph (1) above is herewith conferred upon the Waterways and Shipping Directorates.

(4) The competence for prosecuting administrative offences under the provisions of statutory ordinances issued under the terms of section 60 (2) and (3) is herewith conferred upon the Waterways and Shipping Directorates.

(5) The competence for prosecuting administrative offences under the terms of item 1 of section 15 (1) of the Maritime Navigation (Federal Competences) Act is herewith conferred upon the Waterways and Shipping Directorates.

Annex III

Maritime Chart No. 50



Bereich der Erweiterung des Küstenmeeres der Bundesrepublik Deutschland in der Nordsee
 Area of Extension of the Territorial Sea of the Federal Republic of Germany

8. GHANA

[Original: English]

Maritime Zones (delimitation) Law, 1986

WHEREAS the United Nations Convention on the Law of the Sea referred to in this Law as "the Convention" was signed by the Government of Ghana on the 10th day of December, 1982 at Montego Bay in Jamaica;

AND WHEREAS the Convention was ratified by the Government of Ghana on the 20th day of March, 1983;

AND WHEREAS it is necessary to give effect to the provisions of the Convention relating to the delimitation of the territorial sea, contiguous zone, exclusive economic zone and the continental shelf in order that these provisions of the Convention shall have the force of law in Ghana;

NOW THEREFORE IN PURSUANCE of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

1. (1) It is hereby declared that the breadth of the territorial sea of the Republic shall not exceed 12 nautical miles measured from the low-water line along the coast of the Republic as marked on large-scale official charts.

(2) The outer limit of the territorial sea shall be the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

2. (1) The Republic shall exercise sovereignty over the territorial sea subject to the provisions of the Convention and other rules of international law.

(2) The sovereignty of the Republic shall extend beyond its land territory and internal waters and to the airspace over the territorial sea as well as to its bed and subsoil.

3. It is hereby declared that waters on the landward side of the baseline of the territorial sea shall form part of the internal waters of the Republic.

4. (1) It is hereby declared that the contiguous zone of the Republic shall be that zone contiguous to the territorial sea which may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) In the contiguous zone the Government may exercise the control necessary to:

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

(b) Punish infringement of such laws and regulations if the infringement is committed within the territories of Ghana or the territorial sea.

5. (1) It is hereby declared that the exclusive economic zone of the Republic is that area beyond and adjacent to the territorial sea which does not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) In the exclusive economic zone the Republic shall, to the extent permitted by international law, have:

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

(b) Jurisdiction in accordance with the provisions of the Convention with regard to:

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

(ii) marine scientific research;

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

(c) Such other rights and duties as are provided for in the Convention.

(3) The lines delimiting the outer limits of the exclusive economic zone shall be shown on official charts of a scale adequate for ascertaining their position.

6. (1) It is hereby declared that the continental shelf of the Republic shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) The Government shall exercise over the continental shelf sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources.

(3) The rights conferred under subsection (2) of this section shall not affect the legal status of the superjacent waters or of the airspace above those waters.

(4) For the purposes of this section the natural resources of the continental shelf shall consist of the mineral and other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species, which at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(5) The lines delimiting the outer limits of the continental shelf shall be shown on official charts of a scale adequate for ascertaining their position.

7. The lines of delimitation of the territorial sea, exclusive economic zone and continental shelf as drawn on official charts shall be conclusive evidence of the limits of the territorial sea, exclusive economic zone and continental shelf as specified by sections 1, 5 and 6 of this Law.

8. (1) The Provisional National Defence Council may by legislative instrument, make regulations for giving full effect to the provisions of this Law.

(2) Regulations made under this section may prescribe a penalty for an infringement thereof of a fine not exceeding ₦500,000 or a term of imprisonment not exceeding 15 years or both and may also require the forfeiture of anything used in the commission of the offence.

(3) Where an offence under any regulations made under this section is committed by a body of persons:

(a) Where the body of persons is a body corporate every director and officer of the body corporate shall be deemed to be guilty of the offence, and

(b) Where the body corporate is a firm every partner of the firm shall be deemed to be guilty of the offence:

Provided that a person shall not be deemed to be guilty of an offence by virtue of this subsection if he proves that the act constituting the offence was committed by a person other than himself and without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

9. The Territorial Waters and Continental Shelf Decree, 1973 (N.R.C.D. 165) and the Territorial Waters and Continental Shelf (Amendment) Decree, 1977 (S.M.C.D. 109) are hereby repealed.

9. GUINEA-BISSAU

[Original: French]

(a) Act No. 2/85 of 17 May 1985 establishing straight baselines

In view of the need to establish straight baselines in accordance with the Convention on the Law of the Sea of 10 December 1982;

At the proposal of the Council of Ministers and in exercise of the functions and powers conferred on it under article 56, item 8, of the Constitution, the People's National Assembly approves, and I promulgate, the following Act:

Article 1

In the Republic of Guinea-Bissau, the straight baselines for measuring the breadth of the territorial sea shall be defined by the points whose geographical co-ordinates are given in the following table:

<u>Point</u>	<u>North latitude</u>	<u>West longitude</u>
1	12°20'20"	16°43'05"
2	11°38'12"	16°35'12"
3	11°16'18"	16°28'53"
4	11°01'34"	16°11'04"
5	10°51'25"	15°43'35"
6	10°50'00"	15°10'30"

Article 2

Any legal provisions which are at variance with this Act shall be revoked.

Article 3

This Act shall enter into force immediately.

(b) Act No. 3/85 of 17 May 1985 on delimitation of the territorial waters, the contiguous zone and the continental shelf

Considering that the Award made by the Arbitral Tribunal in The Hague on 14 February 1985 delimited the maritime boundary between the Republic of Guinea-Bissau and the Republic of Guinea;

Considering that the decision made by this high court of arbitration brought an end, through the peaceful settlement adopted, to the maritime boundary dispute between the two neighbouring countries;

Considering further that the two fraternal peoples thereby achieved a historic result, which is important in the development of the good and close relations of friendship and co-operation which have always existed between their two countries;

At the proposal of the Council of Ministers and in exercise of the functions and powers conferred on it under article 56, item 8, of the Constitution, the People's National Assembly approves, and I promulgate, the following Act:

Article 1

The line delimiting the maritime areas appertaining to the Republic of Guinea-Bissau and the Republic of Guinea, respectively:

(a) Begins at the intersection of the Cajet thalweg and the meridian longitude 15°06'30" west;

(b) Connects, by means of loxodromes, the following points:

<u>Point</u>	<u>North latitude</u>	<u>West longitude</u>
A	10°50'00"	15°09'00"
B	10°40'00"	15°20'30"
C	10°40'00"	15°34'15"

(c) Follows a loxodrome on a bearing of 236° from point C above to the outer 200-mile limit.

Article 2

The territorial sea shall extend, within the national maritime frontiers, for a distance of 12 nautical miles measured from the straight baselines established by Act No. 2/85.

Article 3

1. The exclusive economic zone shall extend, within the national maritime frontiers, for a distance of 200 nautical miles measured from the straight baselines established by the above-mentioned Act.

2. The State of Guinea-Bissau shall have the exclusive right to explore and exploit the living and natural resources of the sea and the continental shelf, slopes and sea-bed within the exclusive economic zone.

Article 4

Fishing within the exclusive economic zone by any foreign vessel or ship not authorized by the Government of the Republic of Guinea-Bissau is expressly prohibited.

Article 5

Violations of article 4 shall be punished under the terms of the law.

Article 6

Any legislation which is at variance with this Act shall be revoked.

Article 7

This Act shall enter into force immediately.

Note of Senegal*
2 April 1986

[Original: French]

The Permanent Mission of the Republic of Senegal to the United Nations presents its compliments to the United Nations Secretariat and, with reference to the latter's note No. LOS/5/86 of 6 January 1986 concerning the dissemination of a communication dated 4 December 1985 from the Republic of Guinea-Bissau relating to the delimitation of its territorial waters, has the honour to inform it of the following:

The Government of the Republic of Senegal raises a formal protest against Act No. 2 of 17 May 1985 of the Republic of Guinea-Bissau, articles 1 and 2 of which are manifestly contrary to international law.

The Permanent Mission of the Republic of Senegal requests the Secretariat to see to it that this protest is circulated among all Member States and takes this opportunity to convey to the Secretariat the renewed assurances of its highest consideration.

* Circulated as note verbale LOS/8/86 of 27 May 1986.

Note of Guinea-Bissau* in response to the note of
Senegal dated 2 April 1986,
21 August 1986

[Original: French]

The Permanent Mission of Guinea-Bissau to the United Nations presents its compliments to the United Nations Secretariat and, with reference to the latter's note No. LOS/8/86 concerning the dissemination of a protest by the Government of the Republic of Senegal against Act No. 2 of May 1985, by which the Republic of Guinea-Bissau modified the delimitation of its territorial waters, has the honour to inform it of the following:

Like all Governments of sovereign States, the Government of the Republic of Guinea-Bissau is justified in exercising its right to establish by an act of its domestic legislation the delimitation of its territorial waters in accordance with a system of straight baselines;

In the instance in question, the straight baselines established by the Guinean Act of 17 May 1985 are in no way in contravention of the rules of international law contained in article 7 of the United Nations Convention on the Law of the Sea;

They are, moreover, to landward of the baselines established under previous legislation; it will be for the arbitral tribunal assigned by agreement between the Governments of Guinea-Bissau and Senegal the task of delimiting the maritime frontier between them, the work of which began in Geneva on 6 June 1986, to ascertain whether the baselines of the two States are indeed in conformity with the rules of international law.

The Permanent Mission of Guinea-Bissau to the United Nations requests the Secretariat to see to it that this note is circulated to all Member States, and takes the opportunity to convey to the Secretariat the renewed assurances of its highest consideration.

* Circulated as note verbale LOS/9/86 of 6 October 1986.

10. ICELAND

[Original: English]

Regulation No. 196, 9 May 1985, concerning the delimitation
of the continental shelf to the west, south and east

Article 1

The continental shelf is delineated as shown in Fig. 1.

Article 2

Co-ordinates of points defining the boundary where it extends beyond 200 nautical miles are tabulated in table 1.

Article 76 of the United Nations Convention on the Law of the Sea is used, where applicable, to define this boundary.

Article 3

The various segments of the boundary (Fig. 1) are obtained as follows:

Segment ABC is defined by the median line between Iceland and the Faeroes.

Segment CD is defined by the 200 nautical mile distance limit from the Faeroes, Great Britain and Ireland.

Segment DEF is approximately the line 60 nautical miles beyond the foot of the slope.

Segment FHG is defined by the 350 nautical mile distance limit from Iceland. The continental shelf boundary, if defined on the basis of the foot of the slope, extends beyond 350 nautical miles. But since in this area it lies on the Reykjanes submarine ridge, the boundary of the continental shelf is limited to 350 nautical mile distance from Iceland by article 76.

Segment HIJ is defined by the 200 nautical mile limit of Greenland.

Segment JK is defined by the median line between Iceland and Greenland.

Article 4

The lines drawn in figure 1 and the co-ordinates given in table 1 are accurate only to about ± 5 nautical miles.

Article 5

Agreement between Iceland and the other countries concerned is to be sought on the definitive delimitation of the continental shelf area south of Iceland in accordance with the general rules of international law.

Article 6

These regulations are issued in accordance with Law No. 41, of 1 June 1979 and enter into force immediately.

Figure 1

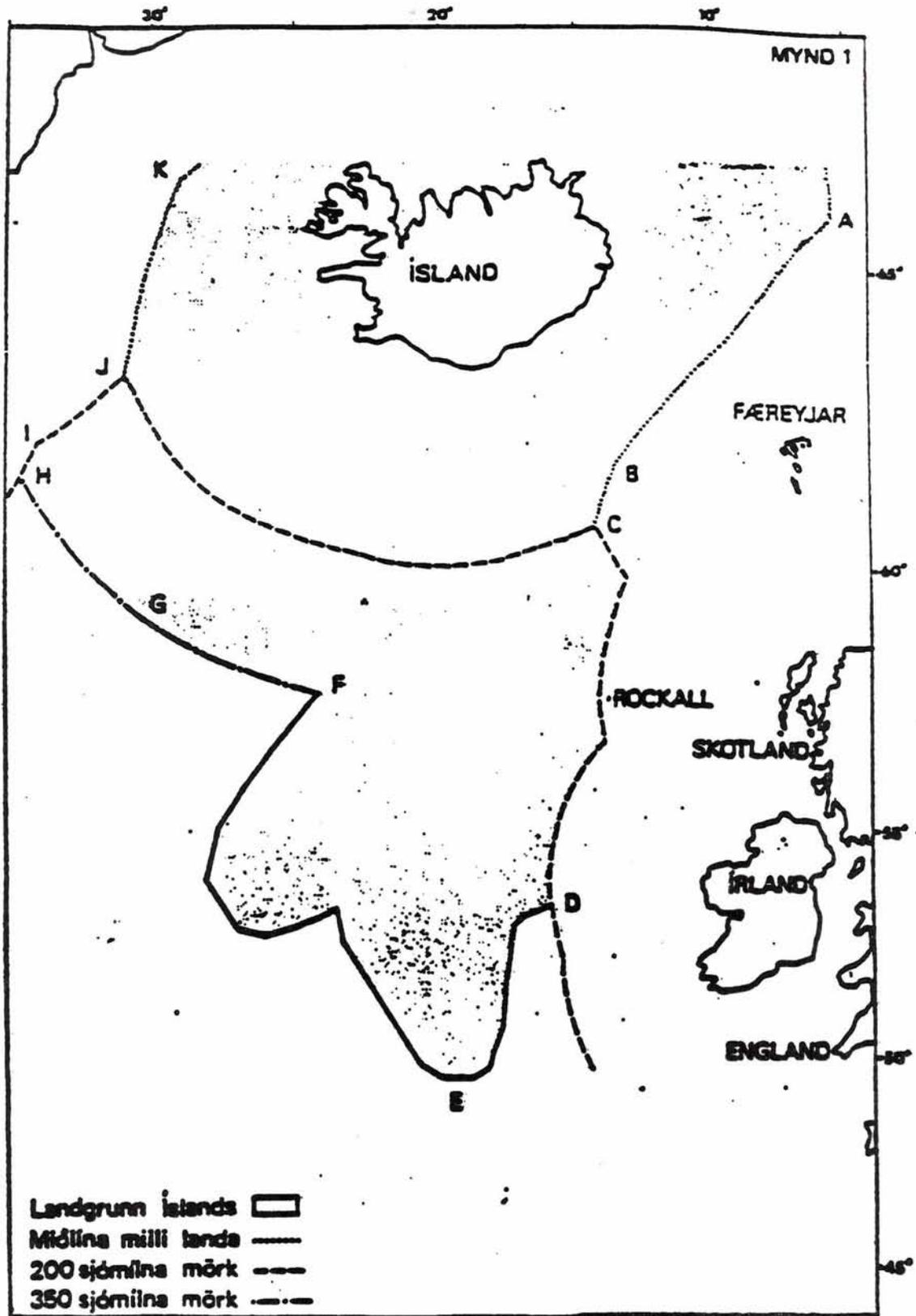


Table 1

Continental shelf boundary beyond Iceland's 200 nautical mile zone

J	63° 19' N	30° 52' W
	62° 40' N	32° 30' W
I	62° 12' N	34° 08' W
H	61° 34' N	34° 55' W
	60° 56' N	34° 00' W
	60° 17' N	33° 00' W
	59° 41' N	31° 00' W
	59° 10' N	31° 00' W
G	58° 52' N	30° 08' W
	58° 40' N	29° 00' W
	58° 24' N	28° 00' W
	58° 13' N	27° 00' W
	58° 08' N	26° 00' W
	57° 57' N	25° 00' W
F	57° 48' N	24° 00' W
	57° 12' N	25° 00' W
	56° 34' N	26° 00' W
	56° 00' N	26° 42' W
	55° 00' N	27° 34' W
	54° 00' N	27° 50' W
	53° 04' N	27° 00' W
	52° 52' N	26° 00' W
	53° 06' N	25° 00' W
	53° 28' N	23° 30' W
	52° 36' N	23° 12' W
	52° 00' N	22° 40' W
	51° 00' N	21° 32' W
	50° 00' N	20° 32' W
	49° 48' N	20° 00' W
E	49° 48' N	19° 00' W
	50° 00' N	18° 25' W
	51° 00' N	17° 50' W
	52° 00' N	17° 45' W
	53° 00' N	17° 30' W
	53° 21' N	17° 00' W

11. INDONESIA

[Original: English]

Act No. 5 of 1983 on the Indonesian exclusive economic zone,
18 October 1983

Chapter I

General provision

Article 1

For the purposes of this Act,

- a. "Living natural resources" means all species of animals and plants, including their divisions, found on the sea-bed and in the water area of the Indonesian exclusive economic zone;
- b. "Non-living natural resources" means natural substances being non-living natural resources, found on the sea-bed and in the subsoil thereof as well as in the water area of the Indonesian exclusive economic zone;
- c. "Scientific research" means any activity in connection with the research on any maritime aspects on the water surface, in the water column, on the sea-bed and in the subsoil thereof the sea floor in the Indonesian exclusive economic zone;
- d. "Conservation of natural resources" means all efforts aimed at protecting and preserving the natural resources in the Indonesian exclusive economic zone;
- e. "Marine environmental protection and conservation" means any effort aimed at preserving and maintaining the whole of the marine ecosystem within the Indonesian exclusive economic zone.

Chapter II

Indonesia's exclusive economic zone

Article 2

The Indonesian exclusive economic zone is the outer strip bordering the Indonesian territorial sea as determined by the law applicable to the Indonesian waters, covering the sea-bed, the subsoil thereof and the water above it with an outermost limit of 200 (two hundred) nautical miles, measured from the baseline of the Indonesian territorial sea.

Article 3

(1) In the event that the Indonesian exclusive economic zone overlaps the exclusive economic zone of another State whose coastline is opposite or adjacent to that of Indonesia, then the boundary line between the exclusive economic zone of Indonesia and that of the other State shall be established by agreement between the Republic of Indonesia and the State concerned.

(2) So long as such agreement as referred to in paragraph (1) does not exist, and no special conditions need to be considered, the boundary line between the exclusive economic zone of Indonesia and that of the other State shall be the median line or a line that is equidistant from the baselines of Indonesian territorial sea or the outermost points of Indonesia and the baselines of the territorial sea or outermost points of the other State, except if an agreement has been reached with the said State on a provisional arrangement of the boundaries of the Indonesian exclusive economic zone.

Chapter III

Sovereign rights, other rights, jurisdiction and duties

Article 4

(1) Within the Indonesian exclusive economic zone, the Republic of Indonesia shall have and exercise:

- a. Its sovereign rights to conduct the exploration, exploitation, management and conservation of the living and non-living resources on the sea-bed and in the subsoil thereof, as well as the water above it, including other activities for the purpose of economic exploration and exploitation of said zone, such as the generation of power by means of water, current and wind;
- b. Its jurisdiction in connection with:
 1. The construction and use of artificial islands, installations and other structures;
 2. Marine scientific research;
 3. The protection and conservation of the marine environment;
- c. Other rights and duties, based on the applicable provisions of the Convention on the Law of the Sea.

(2) As far as it concerns the sea-bed and the subsoil thereof, the sovereign rights and other rights, jurisdiction and duties of Indonesia as referred

to in paragraph (1), shall be exercised in accordance with the legislative provisions on the Indonesian continental shelf, agreements concluded between the Republic of Indonesia and neighbouring States and the rules of international law in force.

(3) Within the Indonesian exclusive economic zone, the freedom of international navigation and overflight, as well as the freedom of laying submarine cables and pipelines, shall be respected in accordance with the principles of the international law of the sea.

Chapter IV

Activities within the Indonesian exclusive economic zone

Article 5

(1) Without prejudice to the provision in article 4, paragraph (2), the exploration and/or exploitation of natural resources or any other activities for the purpose of the economic exploration or exploitation of said natural resources, such as generation of power by means of water, current or wind within the Indonesian exclusive economic zone, may only be conducted on the permission of the Government of the Republic of Indonesia, or on the basis of an international agreement concluded with the Government of the Republic of Indonesia. Such activity has to be carried out under the conditions of such permit or such international agreement.

(2) Without prejudice to the provision in paragraph (1), any exploration and/or exploitation of the living natural resources shall comply with the provisions on management and conservation as stipulated by the Government of the Republic of Indonesia.

(3) Without prejudice to the provision in article 4, paragraph (2), any exploration and/or exploitation of the living resources in a certain area within the Indonesian exclusive economic zone, conducted by any person, a corporate body or Government of a foreign State, may be permitted provided that the catch as allowed by the Government of the Republic of Indonesia of the species in question is in excess of Indonesia's capacity to harvest the allowable catch.

Article 6

Whoever constructs and/or uses any artificial island or installations or other structures within the Indonesian exclusive economic zone, may do so based on the permission of the Government of the Republic of Indonesia. Such activities have to be carried out under the conditions of such permit.

Article 7

Whoever intends to conduct any scientific research activity in the Indonesian exclusive economic zone has to ensure that such activity shall obtain the prior consent of, and such activity shall be carried out under the conditions as determined by, the Government of the Republic of Indonesia.

Article 8

(1) Whoever conducts any activity within the Indonesian exclusive economic zone has the duty to take steps towards preventing, minimizing, controlling and surmounting the pollution of the environment.

(2) Discharge of waste in the Indonesian exclusive economic zone may be effected only after having obtained the permission of the Government of the Republic of Indonesia.

Chapter V

Indemnity

Article 9

Whoever conducts any activity in violation of the provisions of the statutory regulations of the Republic of Indonesia and international law in relation to artificial islands, installations or other structures within the Indonesian exclusive economic zone and causes loss shall be liable for such loss and shall pay indemnity to the owner of such artificial islands, installations and/or other structures.

Article 10

Without prejudice to the provision in article 7, whoever conducts any activity within the Indonesian exclusive economic zone in violation of the provisions of the statutory regulations of the Republic of Indonesia and the rules of international law, as applicable to the field of marine scientific research, and causes loss shall be held responsible for such loss and shall pay indemnity to the Republic of Indonesia.

Article 11

(1) Without prejudice to the provision in article 8 and with due observance to a fixed maximum of indemnity, whoever causes pollution of the marine environment and/or damage to the natural resources within the Indonesian exclusive economic zone shall be held fully responsible for such pollution or damage and shall pay immediately a reasonable amount of the rehabilitation costs for the marine environment and/or natural resource.

(2) Exempted from the full responsibility as provided for in paragraph (1) are those who can prove that such pollution of the marine environment and/or damage to the natural resources was the result of:

- a. A natural calamity, being beyond one's power;
- b. A damage which wholly or partly was caused by an act or negligence of a third party.

(3) The form, type and size of the loss resulting from the pollution of the marine environment and/or damage to the natural resources shall be fixed on the basis of the outcome of an ecological investigation.

Article 12

The regulation pertaining to the limit of maximum indemnity, method of ecological investigation and claim for damages, as referred to in article 11, shall be dealt with by statutory regulations as referred to in article 20.

Chapter VI

Law enforcement

Article 13

In exercising the sovereign rights and other rights, jurisdiction and duties, as specified in article 4, paragraph (1), the competent law-enforcement agency of the Republic of Indonesia may take law-enforcement measures in accordance with Act No. 8 of 1981 on the Code of Criminal Procedure with the following exceptions:

(a) In the case of any ship and/or persons deemed to have committed an offence within the Indonesian exclusive economic zone, such measures shall include the detention of the ship until the handing over of such ship and/or persons at the port, where the said case can be further prosecuted.

(b) The handing over of such ship and/or persons shall take place as soon as possible, not exceeding a period of 7 (seven) days, except in case of a force majeure.

(c) For the purpose of detention, the criminal act as referred to in article 16 and article 17, shall come under the category of criminal acts as referred to in article 21, paragraph (4), letter b, Act No. 8 of 1981 on the Code of Criminal Procedure.

Article 14

(1) The law-enforcement agency in the field of investigation within the Indonesian exclusive economic zone is a Navy Officer of the Indonesian Armed Forces, so assigned by the Commander-in-Chief of the Armed Forces of the Republic of Indonesia.

(2) The plaintiff is the public prosecutor attached to the court of first instance as referred to in paragraph (3).

(3) The court of justice authorized to try offences arising from violation of the provisions of this Act is the court of first instance whose jurisdiction covers the port where the detention of such ship and/or persons as referred to in article 13, letter a, has taken place.

Article 15

(1) Any request for the release of such ship and/or persons arrested on the ground of being accused of having committed a violation of this act or any legislative provision issued on the basis of this act may be filed at any time prior to the verdict of the competent court of first instance.

(2) Any request for such release as provided for in paragraph (1) may be complied with after the claimant has handed over a reasonable amount of bail as fixed by the competent court of first instance.

Chapter VII

Penal provisions

Article 16

(1) Whoever commits a violation of the provisions in article 5, paragraph (1), article 6 or article 7 shall be punished by a fine to a maximum of Rp 225,000,000 (two hundred and twenty-five million rupiahs).

(2) The court in its verdict may decide to confiscate the products of activity, the ship and/or the equipment used in committing the criminal act as referred in paragraph (1).

(3) Whoever deliberately commits an act causing damage to the life environment or the pollution of the life environment within the Indonesian exclusive economic zone shall be threatened with punishment in accordance with the legislative provisions applicable to the field of life environment.

Article 17

Whoever damages or destroys the evidences used in committing a criminal act referred to in article 16, paragraph (1), with the purpose of avoiding the confiscation of said evidences during the investigation, shall be punished by a fine to a maximum of Rp 75,000,000 (seventy-five million rupiahs).

Article 18

The criminal act referred to in article 16 and article 17 shall be regarded as a crime.

Chapter VIII

Transitional provision

Article 19

Any provisions on the exploration and/or exploitation of the living resources enacted before the promulgation of this act shall remain in force until changes are made by virtue of legislative provisions issued on the basis of this Act.

Chapter IX

Closing provisions

Article 20

(1) Other statutory regulations shall be adopted to implement further the provisions of this Act.

(2) The government regulation in implementing the provisions of this Act may stipulate a maximum fine of Rp 75,000,000 (seventy-five million rupiahs) against any violation of its provisions.

Article 21

This Act shall come into force as from the date of its promulgation. In order that everybody may have knowledge of it, the promulgation of this Act is hereby ordered through its placing in the State Gazette of the Republic of Indonesia.

12. MADAGASCAR

[Original: French]

Ordinance No. 85-013 determining the limits of the maritime zones
(territorial sea, continental shelf and exclusive economic zone)
of the Democratic Republic of Madagascar, 16 September 1985

(as amended and ratified by Law No. 85-013 of 11 December 1985)

Article 1

The territorial sea of the Democratic Republic of Madagascar in which the State shall exercise its sovereignty shall extend to a limit of 12 nautical miles measured from the baselines.

Article 2

The baseline from which the breadth of the territorial sea is measured shall be determined by decree.

Article 3

The Democratic Republic of Madagascar establishes a contiguous zone of 24 nautical miles measured from the baselines and can take within this limit all necessary measures to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations and punish infringement of such laws and regulations.

Article 4

The exclusive economic zone of the Democratic Republic of Madagascar shall extend to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Should the distance between the baseline of the Democratic Republic of Madagascar and those of one or several adjacent States be less than 400 nautical miles, the respective exclusive economic zones shall be delimited by agreement with the State or States concerned.

Article 5

The exclusive economic zone shall comprise the sea-bed and its subsoil and the superjacent waters within the limits defined in article 4.

Within this zone, the Democratic Republic of Madagascar shall exercise:

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

(2) Jurisdiction with regard to the establishment and use of artificial islands, installations and structures; marine scientific research; and the protection and preservation of the marine environment.

Article 6

No exploration or exploitation of the zone defined in article 4 may be undertaken by nationals of a third State without authorization by the Government of the Democratic Republic of Madagascar.

Article 7

The continental shelf of the Democratic Republic of Madagascar shall comprise the sea-bed and its subsoil beyond the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, or to the limit determined by agreement with adjacent States, or else to 100 nautical miles from the 2,500-metre isobath.

Article 8

The internal maritime waters of the Democratic Republic of Madagascar where the State shall exercise its sovereignty shall be comprised between the following limits:

On the seaward side, the straight baseline used to calculate the breadth of the territorial sea as defined by decree No. 63-131 of 27 February 1963;

On land, the high-water mark.

Article 9

Within the meaning of this Ordinance, the high-water mark shall mean the furthest point reached by the sea at the highest tides, barring exceptional storms, both along the coasts and in bays, roadsteads, ports and harbours, as well as in canals, channels, salines, lagoons and ponds communicating with the sea, and, in the case of rivers, the transversal limit of the sea.

Article 10

At the mouths of rivers, the limit of the sea is constituted by a fictitious line forming the prolongation of the coastline on either side of the river mouth, except in the case of the rivers designated in the next article.

Article 11

In certain estuaries and rivers used for navigation by sea-going vessels, the limit of the sea shall be moved upstream as far as the first natural or artificial obstacle to the passage of such vessels. The limit for each river is indicated in the table below.

<u>Name of river</u>	<u>Designation of limits</u>	<u>Co-ordinate of the Laborde grid</u>
Ambazoana	Ambatoharanana bridge	X = 644,200
	RIGN No. 11	Y = 1 393,500
	Ambanja bridge	X = 618,200
		Y = 1 376
Djangoa	Ambanja road bridge	X = 605,800
	Maromandia	Y = 1 365,400
Andranomalaza	Maromandia ferry	X = 578
	Maromandia road	Y = 1 318,500
	Befotaka ferry	X = 572,400
		Y = 1 283,500
Laloza	Port of Antsohihy	X = 566,200
		Y = 1 245,500
Mahajamba	Junction of the Mahajamba and Mahajambakely rivers	X = 472,500
		Y = 1 163,400
Andranoboka	Village of Andranoboka	X = 448
		Y = 1 163
Estuary of the Betsiboka	West of Marovoay	X = 418
		Y = 1 107
Namakia	Village of Namakia	X = 335,800
		Y = 1 130,200
Andemaka	Village of Andemaka	X = 322
		Y = 1 144
Mahavavy	Manakara bridge on the Mahavavy river	X = 341,500
		Y = 1 128
Andasibe-Mahombo	Village of Ankasakasa	X = 232
		Y = 1 080
Sambao	Junction of the Sambao and Koja rivers	X = 199
		Y = 1 050
Manongoza	Besalampy bridge	X = 193
		Y = 1 037,800
Ranobe	Village of Berevo on the Ranobe river	X = 170
		Y = 985

<u>Name of river</u>	<u>Designation of limits</u>	<u>Co-ordinate of the Laborde grid</u>
Soaninana	Village of Soatanana	X = 189 Y = 814
Tsiribihina	Belo on the Tsiribihina	X = 202 Y = 709
Antanambalana	Village of Ambinanitelo	X = 734 Y = 1 170

Article 12

In the rivers and streams enumerated in article 11, the limit of the sea shall be the higher of the following lines:

- (a) The line reached by the highest regular tide;
- (b) The line reached by the highest periodic and seasonal tides.

Article 13

The geometric pitch zone as determined in article 4 C - 36 of Ordinance No. 60-099 of 21 September 1960 shall not apply along the rivers and streams enumerated in article 11 above or to the waters referred to in article 9 above.

Article 14

All provisions contrary to those of this Ordinance, and in particular those of Ordinance No. 73-060 of 28 September 1973 determining the limits of the territorial sea and continental shelf of the Malagasy Republic, shall be abrogated.

Article 15

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

It shall be carried out as a State law.

13. MEXICO

[Original: Spanish]

Federal Act relating to the sea, 8 January 1986*

TITLE I

General provisions

CHAPTER I

Scope of application of the Act

Article 1

This Act establishes regulations relating to the fourth, fifth, sixth and eighth paragraphs of article 27 of the Political Constitution of the United Mexican States in respect of Mexican maritime zones.

Article 2

This Act is federal in scope; it governs the maritime zones which form part of the national territory and, where applicable, the maritime zones beyond such territory where the nation exercises sovereign rights, jurisdiction and other rights. Its provisions belong to the public domain, in the framework of the national democratic planning system.

Article 3

The Mexican maritime zones are:

- (a) The territorial sea;
- (b) The internal maritime waters;
- (c) The contiguous zone;
- (d) The exclusive economic zone;
- (e) The continental shelf and island shelves;
- (f) Any other zone permitted by international law.

* The Federal Act relating to the Sea was published in the Diario Oficial de la Federación on 8 January 1986. The list of errata published in the Diario Oficial de la Federación on 9 January 1986 has been incorporated in this text.

Article 4

In the zones listed in the preceding article, the nation shall exercise the powers, rights, jurisdiction and competence vested in it by this Act, in accordance with the Political Constitution of the United Mexican States and with international law.

Article 5

Foreign States and their nationals, when carrying out activities in the maritime zones listed in article 3, shall respect the provisions established for each zone by this Act, with the attendant rights and obligations.

Article 6

The sovereignty of the nation and its sovereign rights, jurisdiction and competence within the limits of the relevant maritime zones, in accordance with this Act, shall be exercised pursuant to the provisions of the Political Constitution of the United Mexican States, international law and applicable national legislation, in respect of:

- I. Marine works, artificial islands, installations and structures;
- II. The régime applicable to living marine resources, including their conservation and utilization;
- III. The régime applicable to non-living marine resources, including their conservation and utilization;
- IV. Economic development of the sea, including the utilization of minerals dissolved in its waters, the production of electrical and thermal energy from its waters and from currents and winds, the harnessing of solar energy at sea, the development of the coastal zone, marine aquaculture, the establishment of national marine parks, the promotion of recreation and tourism and the establishment of fishing communities;
- V. Protection and preservation of the marine environment, including the prevention of pollution;
- VI. Marine scientific research activities.

Article 7

The Federal Executive Power shall be responsible for applying this Act through the various branches of the Federal Public Administration, which, in accordance with its Organic Law and other prevailing legal provisions, are competent national authorities on the basis of the powers conferred upon each of them.

Article 8

The Federal Executive Power may negotiate agreements with neighbouring States on the delimitation, in accordance with international law, of the dividing lines between the Mexican maritime zones and the corresponding adjacent zones under the national maritime jurisdiction of the respective States, in cases where such zones overlap.

Article 9

The Mexican maritime zones shall not extend beyond the median line, every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of a neighbouring State is measured, unless otherwise agreed with that State.

The Federal Executive Power shall not recognize the unilateral extension of the maritime zones of a neighbouring State beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the Mexican territorial sea is measured. In such cases, the Federal Executive Power shall seek negotiation with the neighbouring State in question, with a view to working out a mutually acceptable solution.

Article 10

The enjoyment of the rights that this Act grants to foreign ships shall depend upon reciprocal treatment of national ships by the flag State, subject to the provisions of the Political Constitution of the United Mexican States and international law.

Article 11

The Federal Executive Power shall ensure that maritime relations with other States are based on the principle of international reciprocity, as it applies both to Mexican maritime zones and to those established by such other States, in respect of any activity carried out by them or by their nationals strictly in accordance with international law.

Article 12

The nation shall recognize acts of delimitation of the maritime zones of other States strictly in accordance with the rules of international law and on the basis of reciprocity.

Article 13

The Federal Executive Power shall ensure that the competent national authorities observe the applicable international rules that recognize the right of land-locked countries to fly a flag.

CHAPTER II

Marine installations

Article 14

Artificial islands, installations and structures shall have no territorial sea of their own, and their presence shall not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 15

The nation shall have exclusive jurisdiction over artificial islands, installations and structures in the exclusive economic zone and on the continental shelf and island shelves, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

Article 16

The nation shall have the exclusive right in the Mexican maritime zones to construct and to authorize and regulate the construction, operation and use of artificial islands, installations and structures, in accordance with this Act, the General National Property Act, the Public Works Act and other applicable provisions in force.

Article 17

The construction, installation, conservation, maintenance, repair and demolition of immovable property used for the exploration, location, drilling, extraction and development of marine resources, or for public service or common use in the Mexican maritime zones, shall be carried out with due regard for the prevailing legal provisions on the subject.

CHAPTER III

Resources and economic development of the sea

Article 18

This Act shall be applied in strict observance of the legislation concerning fishing, the provisions emanating from such legislation and other applicable provisions relating to measures for the conservation and utilization by nationals or foreigners of the living resources in the Mexican maritime zones.

Article 19

The exploration, exploitation, processing, development, refining, transportation, storage, distribution and sale of submarine hydrocarbons and minerals in the Mexican maritime zones shall be governed by the regulatory norms of article 27 of the Constitution, under the category of petroleum and mineral materials and the respective regulations, and by the applicable provisions of this Act.

Article 20

Any activity that involves the exploitation, use and economic development of the Mexican maritime zones, other than those provided for in the two preceding articles of this title, shall be governed by the regulatory provisions of the fourth, fifth and sixth paragraphs of article 27 of the Political Constitution of the United Mexican States, and by this Act and other applicable laws and regulations.

CHAPTER IV

Protection and preservation of the marine environment
and marine scientific research

Article 21

In the exercise of the powers, rights, jurisdiction and competence of the Nation within the Mexican maritime zones, the following shall be applied in order to prevent, reduce and control pollution of the marine environment: the Federal Environmental Protection Act, the General Health Act and their respective regulations, the Federal Water Act and other applicable laws and regulations in force or to be adopted, including the present Act, its regulations and the relevant rules of international law.

Article 22

In the conduct of scientific research activities in the Mexican maritime zones, the following principles shall be applied:

- I. They shall be carried out exclusively for peaceful purposes;
- II. They shall be carried out with appropriate scientific methods and means which are compatible with this Act, other applicable provisions and international law;
- III. They shall not interfere unjustifiably with other lawful uses of the sea that are compatible with this Act and with international law;

IV. All laws and regulations relevant to the protection and preservation of the marine environment shall be respected;

V. The activities shall not constitute a legal basis for any claim to any part of the marine environment or its resources;

VI. Where in accordance with this Act foreigners are allowed to carry out such activities, the greatest possible degree of national participation shall be ensured;

VII. In the case referred to in the preceding subparagraph, the nation shall ensure that it will receive the results of the research and, if it so requests, the necessary assistance for the interpretation and evaluation thereof.

TITLE II

Mexican maritime zones

CHAPTER I

Territorial sea

Article 23

The nation shall exercise sovereignty over a belt of sea, described as the territorial sea, adjacent both to the coasts of the Nation's mainland and islands, and to the internal maritime waters.

Article 24

The nation's sovereignty shall extend to the airspace over the territorial sea as well as to its bed and subsoil.

Article 25

The breadth of the Mexican territorial sea shall be 12 nautical miles (22,224 metres), measured in accordance with the provisions of this Act and its regulations.

Article 26

The limits of the territorial sea shall be measured from baselines, either normal or straight, or a combination of the two, established in accordance with the provisions of the regulations of this Act.

Article 27

The outer limit of the territorial sea shall be the line every point of which is at a distance of 12 nautical miles (22,224 metres) from the nearest point of the lines that constitute its inner limit, determined in accordance with article 26 of this Act and with the relevant provisions of its regulations.

Article 28

Any slave who enters the territorial sea in a foreign vessel shall, by this act alone, gain his freedom and enjoy the protection afforded by the laws, under the terms of article 2 of the Political Constitution of the United Mexican States.

Article 29

Ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the Mexican territorial sea.

Article 30

If a foreign warship does not comply with the provisions of this Act, its regulations and other national legal provisions concerning passage through the territorial sea and disregards any request for compliance therewith that is made to it, it may be required to leave the Mexican territorial sea immediately.

Article 31

The Federal Executive Power shall hold the flag State responsible for any loss or damage to the nation resulting from the non-compliance by a warship, or other government ship operated for non-commercial purposes, with the national laws and regulations concerning passage through the territorial sea or with the provisions of this Act, its regulations and other applicable rules of international law.

Article 32

With such exceptions as are contained in the provisions of this title, nothing in this Act shall affect the immunities of foreign warships and other government ships operated for non-commercial purposes, inasmuch as they are subject to the jurisdiction of the flag State alone, or affect the immunities, granted on the basis of reciprocity, of government ships operated for commercial purposes.

Article 33

Overflight of foreign aircraft over the territorial sea shall be subject to national legislation, in accordance with the international obligations of the United Mexican States in that regard, and their inspection, monitoring and control shall remain under the exclusive jurisdiction and competence of the Federal Executive Power according to the terms of the General Communications Act and other prevailing legal provisions.

CHAPTER II

Internal maritime waters

Article 34

The nation shall exercise sovereignty in the areas of the sea known as internal maritime waters, extending from the coasts of the Nation's mainland and islands to the Mexican territorial sea.

Article 35

The sovereignty of the nation shall extend to the airspace over the internal maritime waters, as well as to the bed and subsoil thereof.

Article 36

Internal maritime waters are considered to be those enclosed between the coast and the baselines, normal or straight, from which the territorial sea is measured, in accordance with the relevant provisions of the regulations of this Act; they include:

- I. The northern part of the Gulf of California;
- II. The waters of internal bays;
- III. The waters of ports;
- IV. The internal waters of reefs;
- V. The waters of the mouths or deltas of rivers, lagoons and estuaries permanently or intermittently connected with the sea.

Article 37

The inner limit of the internal maritime waters shall coincide with the low-water line along the coast, where this line is not taken as a basis for measuring the territorial sea in accordance with the provisions of the regulations of this Act, as marked on large-scale charts officially recognized by the United Mexican States.

Article 38

For the purposes of the inner limit of the internal maritime waters, the low-water line shall be the line of greatest ebb and flow reached by the maritime waters at a given time along the coasts of the Nation's mainland and islands.

Article 39

The outer limit of the internal maritime waters shall coincide exactly with the baselines from which the territorial sea is measured, as marked on large-scale charts officially recognized by the United Mexican States.

Article 40

The delimitation of internal maritime waters in zones adjacent to maritime zones under the national jurisdiction of neighbouring States shall be considered to be included in the established or agreed delimitation for the dividing line between the Mexican territorial sea and the territorial sea or other maritime zones under the national jurisdiction of such neighbouring States, in accordance with articles 8 and 9 of this Act and the relevant provisions of its regulations.

Article 41

Foreign ships navigating in the internal maritime waters shall be required, ipso facto, to comply with this Act, its regulations and other applicable legal provisions of the Republic.

CHAPTER III

Contiguous zone

Article 42

The nation shall have, in a zone contiguous to its territorial sea, described as the contiguous zone, competence to exercise the control necessary:

I. To prevent infringement of the applicable rules of this Act, its regulations and the customs, fiscal, immigration or sanitary laws and regulations within the territory, internal maritime waters or territorial sea of Mexico; and

II. To punish infringement of the said applicable rules of this Act, its regulations and the said laws and regulations committed within the territory, internal maritime waters or territorial sea of Mexico.

Article 43

The contiguous zone of Mexico shall extend 24 nautical miles (44,448 metres) from the baselines from which, in accordance with article 26 of this Act and the relevant provisions of its regulations, the breadth of the Mexican territorial sea is measured.

Article 44

The inner limit of the contiguous zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 27 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 45

The outer limit of the Mexican contiguous zone shall be the line every point of which is at a distance of 24 nautical miles (44,448 metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

CHAPTER IV

Exclusive economic zone

Article 46

In an exclusive economic zone situated beyond and adjacent to the territorial sea, the nation shall exercise:

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

II. Jurisdiction as provided for in the relevant provisions of this Act, its regulations and international law, with regard to:

1. The establishment and use of artificial islands, installations and structures;
2. Marine scientific research;
3. The protection and preservation of the marine environment;

III. Other rights and duties provided for in this Act, its regulations and international law.

Article 47

In exercising the rights and jurisdiction and performing the duties of the Nation in the exclusive economic zone, the Federal Executive Power shall ensure that Mexico has due regard to the rights and duties of other States and acts in a manner compatible with international law.

Article 48

In the exclusive economic zone, the Federal Executive Power shall respect the enjoyment, on the part of foreign States, of the freedoms of navigation, overflight and the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with international law.

Article 49

The Federal Executive Power shall ensure that, in exercising their rights and performing their duties in the Mexican exclusive economic zone, foreign States have due regard to the rights, jurisdiction and duties of the nation and comply with this Act, its regulations and other national regulations adopted in accordance with the Constitution and applicable rules of international law.

Article 50

The Mexican exclusive economic zone shall extend 200 nautical miles (370,400 metres) from the baselines from which, in accordance with article 26 of this Act, the breadth of the territorial sea is measured.

Article 51

Islands shall have an exclusive economic zone; however, rocks that cannot sustain human habitation or economic life of their own shall not.

Article 52

The inner limit of the exclusive economic zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 26 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 53

The outer limit of the Mexican exclusive economic zone shall be the line every point of which is at a distance of 200 nautical miles (370,400 metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

Article 54

Accordingly, the outer limit of the exclusive economic zone shall comprise a series of arcs uniting the points whose geographical co-ordinates were published in a decree in the Diario Oficial de la Federación of 7 June 1976, as marked on the charts officially recognized by the United Mexican States.

Article 55

The Federal Executive Power shall ensure, subject to the relevant provisions of this Act, its regulations and international law, respect for the freedoms of navigation and overflight in the Mexican exclusive economic zone on the part of ships and aircraft of all States, whether coastal or land-locked.

Article 56

The Federal Executive Power shall take proper management and conservation measures so that the living resources are not endangered by overexploitation; it shall determine the allowable catch of living resources in the exclusive economic zone and, without prejudice to the above, shall promote the optimum utilization of such resources. Where the Nation's ships do not have the capacity to harvest the entire allowable catch of a species, the Federal Executive Power shall give foreign ships access to the surplus of the allowable catch, having regard to the national interest and under the terms of Mexican fishing law.

CHAPTER V

The continental shelf or island shelves

Article 57

The nation shall exercise over the continental shelf and island shelves sovereign rights for the purpose of exploring them and exploiting their natural resources.

Article 58

The nation's sovereign rights referred to in the preceding article shall be exclusive in the sense that if Mexico does not explore the continental shelf and island shelves or exploit their natural resources, no one may undertake these activities without the express consent of the competent national authorities.

Article 59

The sovereign rights of the nation referred to in article 57 shall not depend on occupation, effective or notional, of the continental shelf and island shelves.

Article 60

The rights of the nation over the continental shelf and island shelves shall not affect the legal status of the superjacent waters or of the airspace above those waters.

Article 61

The exercise of the rights of the nation over the continental shelf and island shelves must not infringe on, or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Act, its regulations and international law.

Article 62

The Mexican continental shelf and island shelves shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of national territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance, in accordance with the provisions of international law. The preceding definition includes the shelves of islands, keys and reefs that form part of national territory.

Article 63

Islands shall have an island shelf; however, rocks that cannot sustain human habitation or economic life of their own shall not.

Article 64

The inner limit of the Mexican continental shelf and island shelves shall coincide exactly with the outer limit of the subsoil of the territorial sea, as established in accordance with article 26 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 65

In places where the outer edge of the continental margin of the continental shelf and island shelves does not extend 200 nautical miles from the baselines from which the territorial sea is measured, the outer limit of these shelves shall coincide exactly with the outer limit of the subsoil of the exclusive economic zone, as established in accordance with the provisions of articles 53 and 54 of this Act, and as marked on charts officially recognized by the United Mexican States.

TRANSITIONAL PROVISIONS

Article 1

This Act shall enter into force on the date of its publication in the Diario Oficial de la Federación.

Article 2

This Act shall supersede the regulatory provisions of the eighth paragraph of article 27 of the Constitution, concerning the exclusive economic zone, published in the Diario Oficial de la Federación on 13 February 1976.

Article 3

This Act shall supersede all contrary legal provisions now in force. Matters not provided for in this Act that are related to activities in the maritime zones under national jurisdiction shall be governed by the prevailing national legislation where no contrary provisions exist.

Article 4

Violations of the provisions of this Act shall be punished by the competent national authorities in accordance with national ordinances applicable to the various matters.

14. NETHERLANDS

[Original: English]

(a) Netherlands territorial sea (demarcation) Act
of 9 January 1985*

Section 1

1. The territorial sea of the Netherlands shall extend to a line, each point on which lies twelve international nautical miles, or 22 kilometres 224 metres, seawards of the nearest point on the low-water line along the coast, with the proviso that, where a naturally formed elevation of the seabed which is covered at high tide but dry at low tide lies within this distance from the low-water line, the territorial sea shall be measured from the closest point on the low-water line of such an elevation.
2. The low-water line shall be defined as the line indicating the depth of 0 metres on the large-scale Dutch sea charts issued upon the instructions of the Minister of Defence.

Section 2

1. The demarcation line between the inland waters and the territorial sea of the Netherlands shall be formed by the low-water line along the coast together with the base lines referred to in subsections 2 and 4, insofar as the latter lie seawards thereof.
2. Base lines shall be drawn through the arcs of the great circles which represent the shortest routes between the following points:
 - a. In the mouth of the Western Scheldt:
Point A, the intersection of the land boundary between the Netherlands and Belgium with the low-water line, deemed for the purposes of the present Act to lie at 51°22'25.0" north latitude and 3°21'52.5" east longitude.
Point B, the Molenhoofd light on the coast of Walcheren, at 51°31'38.1" north latitude and 3°26'07.9" east longitude.
 - b. Between Den Helder and Texel:
Point C, the Kijkduin lighthouse at Den Helder, at 52°57'22.5" north latitude and 4°43'39.8" east longitude; from there to
Point D, on the island of Noorderhaaks, at 52°58'24.0" north latitude and 4°39'30.0" east longitude; from there to
Point E, the Loodsmansduin (direction table) on the island of Texel, at 53°01'21.2" north latitude and 4°43'45.6" east longitude.

* This Act entered into force on 1 June 1985.

- c. Between Texel and Vlieland:
Point F, the Eierland lighthouse on the island of Texel at 53°10'58.4" north latitude and 4°51'23.7" east longitude.
Point G, the refuge on the island of Vlieland at 53°13'27.6" north latitude and 4°53'12.3" east longitude.
- d. Between Vlieland and Terschelling:
Point H, the Vuurduin lighthouse on the island of Vlieland, at 53°17'47.7" north latitude and 5°03'34.3" east longitude.
Point J, the Brandaris lighthouse on the island of Terschelling, at 53°21'39.8" north latitude and 5°12'55.9" east longitude.
- e. Between Terschelling and Ameland:
Point K, the Noordkaap beacon on the island of Terschelling, at 53°26'40.6" north latitude and 5°32'47.1" east longitude.
Point L, the Ameland lighthouse, at 53°26'59.9" north latitude and 5°37'37.2" east longitude.
- f. Between Ameland and Schiermonnikoog:
Point M, the cape at the east point of Ameland, at 53°27'50.0" north latitude and 5°55'49.4" east longitude.
Point N, the Schiermonnikoog lighthouse, at 53°29'15.3" north latitude and 6°08'52.1" east longitude.
- g. Between Schiermonnikoog and Rottumeroog:
Point O, the cape at the south-east point of Schiermonnikoog, at 53°29'50.5" north latitude and 6°17'56.1" east longitude; from there to
Point P, the Boschplaat beacon, at 53°31'48.9" north latitude and 6°27'42.4" east longitude; from there to Point Q, the Great Cape on Rottumeroog, at 53°32'39.1" north latitude and 6°34'39.0" east longitude.

3. The location of points A to Q referred to in subsection 2 is expressed in longitude and latitude using European coordinates (1st adjustment, 1950).

4. In the mouth of the River Maas and in the harbour mouths at Scheveningen and IJmuiden, the base line shall be taken to be a straight line between the lights on the ends of the jetties.

Section 3

1. The lateral demarcation of the territorial sea shall be determined by agreement with the States whose territorial sea borders on that of the Netherlands.

2. For the purposes of the application of Netherlands legislation, the border between inland waters and the territorial sea in the mouth of the Ems shall be deemed to be formed by a straight line between the Great Cape on Rottumeroog, at 53°32'39.1" north latitude and 6°34'39.0" east longitude, and the large lighthouse at Borkum, at 53°35'22.2" north latitude and 6°39'48.3" east longitude, insofar as the said line remains within Netherlands territory.

Section 4

In section 38, subsection 4, of the Nuisance Act (Bulletin of Acts, Orders and Decrees 1981, 410), the final full-stop shall be replaced by a semi-colon, after which the following words shall be inserted:

"c. establishments where activities are performed for which a licence is required pursuant to section 2 of the Continental Shelf Mining Act (Bulletin of AOD 1965, 428)."

Section 5

In section 1, subsection 1, of the Factories Act 1919 (Bulletin of AOD 1919, 624), the final full-stop shall be replaced by a semi-colon, after which the following words shall be inserted:

"performed by persons as referred to in section 26, subsection 1b of the Continental Shelf Mining Act (Bulletin of AOD 1965, 428)."

Section 6

In section 38, subsection 1, of the Industrial Safety Act 1934 (Bulletin of AOD 1934, 352), the final full-stop shall be replaced by a semi-colon, after which the following words shall be inserted:

"f. work performed by persons as referred to in section 26, subsection 1b, of the Continental Shelf Mining Act (Bulletin of AOD 1965, 428)."

Section 7

In section 2, subsection 6, of the Working Conditions Act (Bulletin of AOD 1980, 664), subdivision b shall be relettered c and the following words shall be inserted after subdivision a:

"b. performed by persons as referred to in section 26, subsection 1b, of the Continental Shelf Mining Act (Bulletin of AOD 1965, 428);"

Section 8

For one year after the entry into force of the present Act, the Earth Removal Act (Bulletin of AOD 1965, 509) shall not apply to the area by which the territorial sea is extended by virtue of the present Act.

Section 9

1. The present Act shall enter into force on the first day of the third month after the date of issue of the Bulletin of Acts, Orders and Decrees in which it is published.

2. It may be cited as the Netherlands Territorial Sea (Demarcation) Act.

We order and command that this Act shall be published in the Bulletin of Acts, Orders and Decrees (Staatsblad) and that all ministerial departments, authorities, bodies and officials whom it may concern shall diligently implement it.

(b) Territorial sea of the Kingdom in the Netherlands Antilles
(Extension) Act (Rijkswet), 9 January 1985

Section 1

The territorial sea of the Kingdom in the Netherlands Antilles shall be extended to 12 nautical miles, in accordance with rules to be laid down by general administrative order.

Section 2

1. This Act shall enter into force on a date to be determined by us.
2. It may be cited as the Territorial Sea of the Kingdom in the Netherlands Antilles (Extension) Act.

(c) Decree of 23 October 1985 governing the implementation of
section 1 of the Territorial Sea of the Kingdom in the
Netherlands Antilles (Extension) Act

Article 1

1. The territorial sea of the Kingdom in the Netherlands Antilles shall extend to the line every point of which is at a distance of 12 international nautical miles, being 22 kilometres and 224 metres, measured seawards from the nearest point of the low-water line along the coast or from the baselines or closing lines referred to in articles 3 and 4, with the proviso that where naturally-formed low-tide elevations that are surrounded by water at high tide are situated within this distance, the measurement shall be made from the nearest point of the low-water line on that elevation.
2. The low-water line shall be the contour line at 0 metres or, where this does not exist, the coastline or edge of low-tide reefs, as marked on large-scale Dutch charts.

Article 2

The low-water line along the coast, together with the baselines referred to in articles 3 and 4 in so far as they are situated seaward of the low-water line, shall form the boundary between the internal waters and the territorial sea of the Kingdom in the Netherlands Antilles.

Article 3

1. Straight baselines shall be drawn through the arcs of the great circles which connect the following points along the southern coast of the island of Aruba by the shortest distance:

<u>Situated at</u>		<u>North latitude</u>	<u>West longitude</u>
a.	from point A1	12°32'30"	70°03'41"
	via A2	12°31'30"	70°02'55"
	to A3	12°30'30"	70°01'59"
b.	from A4	12°29'08",5	70°00'28",5
	to A5	12°28'58"	70°00'10",5
c.	from A6	12°27'00"	69°57'02",5
	to A7	12°26'54",5	69°56'57",5
d.	from A8	12°26'25",5	69°56'01",5
	via A9	12°26'03",5	69°55'10"
	to A10	12°25'56"	69°54'50"
e.	from A11	12°25'34",5	69°54'10",5
	via A12	12°25'04"	69°53'39"
	to A13	12°25'02"	69°52'59"

2. The positions of points A1 to A13 are expressed in longitude and latitude according to South American Co-ordinates (Provisional South American Datum 1956).

Article 4

1. Closing lines shall be drawn between the natural entrance points of the bays named below:

		<u>North latitude</u>	<u>West longitude</u>	
a.	On the island of Aruba:			
(i)	Boca di Pos	point 1	12°34'39",5	70°00'01",4
	di Noord	2	12°34'37",0	69°59'58",0
(ii)	Boca Mahos	1	12°33'22",9	69°58'21",1
		2	12°33'21",4	69°58'17",3
(iii)	Bay, unnamed,	1	12°33'18",5	69°58'09",2
	0.3 nautical miles	2	12°33'14",5	69°58'05",0
	south-east of (ii)			

			<u>North latitude</u>	<u>West longitude</u>
(iiia)	Bay, south-east of Andicuri	point 1	12°32'27",3	69°56'34",7
		2	12°32'24",7	69°56'30",7
(iv)	Daimari	1	12°32'05",4	69°56'12",7
		2	12°32'01",9	69°56'09",0
(v)	Dos Playa	1	12°30'38",2	69°54'57",5
		2	23°30'31",8	69°54'52",2
(vi)	Boca Druif	1	12°30'13",6	69°54'22",8
		2	12°30'10",9	69°54'18",4
(vii)	Boca Pries	1	12°30'09",0	69°54'17",1
		2	12°30'03",1	69°54'11",9
(viii)	Boca Grandi	1	12°26'41",7	69°52'07",9
		2	12°26'27",2	69°52'08",6
(ix)	Klein Lagoen	1	12°24'56",1	69°52'41",1
		2	12°24'54",3	69°52'50",3
b. On the islands of Bonaire and Klein Bonaire:				
(i)	Boca Onima	1	12°59'29",1	68°18'31",8
		2	12°15'27",5	68°18'27",9
(ii)	Lagun	1	12°11'09",7	68°12'27",9
		2	12°11'01",3	68°12'27",0
(iii)	Boca Washi Kemba	1	12°10'38",6	68°12'20",9
		2	12°10'35",4	68°12'20",4
(iv)	Lac	1	12°06'22",3	68°13'10",7
		2	12°06'14",5	68°13'18",9
c. On the island of Curaçao:				
(i)	Bartolbaai	1	12°20'11",7	69°03'31",9
		2	12°20'07",2	69°03'30",0
(ii)	Playa Grandi	1	12°19'07",6	69°03'05",1
		2	12°18'56",7	69°03'05",6
(iii)	Boca Ascensión	1	12°16'45",5	69°02'52",7
		2	12°16'37",4	69°02'50",2

			<u>North latitude</u>	<u>West longitude</u>
(iv)	Boca Playa Canoa	point 1	12°10'45",0	68°51'56",0
		2	12°10'45",4	68°51'47",4
(v)	Bay near Landhuis Santa Catarina	1	12°09'39",9	68°49'39",4
		2	12°09'39",5	68°49'38",1
(vi)	St. Jorisbaai	1	12°08'00",7	68°48'14",8
		2	12°07'51",5	68°48'10",6
(vii)	Awa Di Oostpunt	1	12°02'46",3	68°44'07",9
		2	12°02'44",0	68°44'13",8
(viii)	Fujkbaai	1	12°03'07",1	68°49'44",5
		2	12°03'09",6	68°49'49",2
(ix)	Spaanse Haven	1	12°03'58",9	68°50'55",0
		2	12°03'59",2	68°51'08",0
(x)	Caracasbaai	1	12°04'13",0	68°51'34",9
		2	12°04'26",0	68°52'16",5
(xi)	St. Annabaai	1	12°06'25",3	68°56'01",5
		2	12°06'28",5	68°56'11",5
(xii)	Piscaderabaai	1	12°07'24",0	68°58'05",7
		2	12°07'33",2	68°58'08",3
(xiii)	Boca Grandi/ San Juan Baai	1	12°15'03",3	69°06'21",8
		2	12°15'12",3	69°06'27",9
(xiv)	Boca Sta. Maria	1	12°16'16",2	69°07'36",5
		2	12°16'17",4	69°07'37",7
d. On the island of Saba:				
(i)	Cove Baai and Spring Baai	1	17°38'34",3	63°13'07",1
		2	17°38'13",5	63°13'02",8
(ii)	Core Gut Baai	1	17°37'50",7	63°13'00",8
		2	17°37'43",6	63°13'06",0
(iii)	Fort Baai	1	17°36'53",8	63°15'08",3
		2	17°36'56",7	63°15'11",4
e. On the island of Sint Maarten:				
(i)	Groot Baai	1	18°00'16",2	63°02'39",8
		2	18°00'43",0	63°03'38",2

		<u>North latitude</u>	<u>West longitude</u>
(ii) Klein Baai	point 1	18°00'44",9	63°03'41",3
	2	18°00'57",1	63°04'12",8
(iii) Simson Baai	1	18°01'36",9	63°05'50",8
	2	18°01'53",8	63°06'57",1

2. The positions of the points referred to in paragraph 1 above, under a, b and c, are expressed according to South American Co-ordinates (Provisional South American Datum 1956) and under d and e according to North American Datum 1927.

Article 5

1. Where a boundary between two States has been agreed that lies within 12 nautical miles of the baseline from which the territorial sea is measured, this boundary shall mark the outer limit of the territorial sea.

2. Where a boundary between two States has not yet been agreed, the limit of the territorial sea shall lie along the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.

Article 6

This general administrative order shall enter into force on the first day of the second month following the date of its publication in the Bulletin of Acts, Orders and Decrees (Staatsblad).

Royal Decree concerning the territorial sea, continental shelf
and exclusive economic zone, 10 February 1981

The territorial sea

Article I

The Sultanate of Oman exercises full sovereignty over the territorial sea of the Sultanate and over the airspace, and the sea-bed and the subsoil beneath the territorial sea of the Sultanate, in harmony with the principle of innocent passage of ships and planes of other States through international straits, and laws and regulations of the Sultanate relating thereto.

Article 2

The territorial sea of the Sultanate extends 12 nautical miles (22,224 meters) seaward, measured according to the following standards and regulations set forth:

(a) The outer limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline;

(b) Except as otherwise provided in this Decree, the normal baseline for measuring the breadth of the territorial sea is the low water line along the coast of the mainland or of islands and rocks;

(c) The Government of the Sultanate of Oman will be issuing a directive in which the application of the system of straight baselines will be set forth and which will, in accordance thereof, determine the baselines for any part of the coast of the Sultanate of Oman, so also the lines relating to the closed waters lying within gulfs and bays or in between islands and the mainland coast. Any line described therein will be regarded as the baseline. Provided it is so required the Government of the Sultanate of Oman may amend or revoke any provisions which will be promulgated under this clause.

Internal waters

Article 3

The internal waters of the Sultanate of Oman shall include the waters on the landward side of the baseline of the territorial sea. The Omani laws which are applicable to national ports, roadsteads and bays shall, ipso facto, be applicable to internal waters also.

The exclusive economic zone

Article 4

The Sultanate of Oman exercises sovereign rights over the exclusive economic zone for the purposes of exploring, developing and exploiting its natural wealth, whether living or non-living.

Article 5

The exclusive economic zone extends 200 nautical miles and is measured from the baseline from which the breadth of the territorial sea is measured.

The continental shelf

Article 6

The Sultanate of Oman exercises sovereign rights over its continental shelf for the purposes of exploring and exploiting its natural resources.

Article 7

The Sultanate of Oman will be issuing a declaration for delimiting the span of its continental shelf.

Miscellaneous provisions

Article 8

Where the coast of another State is opposite or adjacent to the coast of the Sultanate of Oman, the outer limits of the territorial sea, exclusive economic zone and continental shelf shall be [measured up to] the median line [so that] every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of the Sultanate and the territorial sea of such other States is measured.

Article 9

The precise limits of the territorial sea, exclusive economic zone and the continental shelf shall be determined by the Government of the Sultanate of Oman on maps and hydrographic charts and geodetic data.

Article 10

The provisions of the Royal Decree dated 20 July 1972 concerning the territorial sea, the continental shelf and exclusive fishing zone and those of the Royal Decree numbering 44/77 of 15 June 1977 and all other provisions which are in contravention to the provisions of the present Decree stand cancelled.

Article 11

This Decree shall be published in the Official Gazette and shall come into force from the date of its issue.

Notice dated 1 June 1982*

Article 1

By application of Article 2, paragraph (c) of the Royal Decree Number 15/81 referred to above, the fixing of the straight baselines for any part of the Sultanate of Oman and the lines for enclosed waters lying between gulfs and bays and also the waters in between islands and the mainland coast shall be on the following basis:

(a) The co-ordinates of latitudes and longitudes mentioned below shall determine the positions of points for drawing the straight baselines for the Sultanate of Oman.

(b) The straight lines joining the points between the co-ordinates of latitudes and longitudes referred to in the preceding paragraph shall determine the straight baselines as provided by the Royal Decree Number 15/81.

(c) The co-ordinates of latitudes and longitudes referred to shall also be the basis for the demarcation of the internal enclosed waters in the Sultanate:

<u>Number of the point</u>	<u>Co-ordinates of points</u>	
	<u>North latitudes</u>	<u>East longitudes</u>
	<u>Group A</u>	
1	26° 03' 04.703"	56° 05' 01.869"
2	26° 04' 04"	56° 05' 22"
3	26° 13' 30"	56° 10' 52"
4	26° 14' 28"	56° 11' 34"
5	26° 15' 08"	56° 12' 19"
6	26° 22' 29"	56° 21' 02"
7	26° 30' 19"	56° 30' 34"
8	26° 29' 50"	56° 31' 37"
9	26° 29' 11"	56° 32' 14"
10	26° 21' 59"	56° 32' 13"
11	26° 10' 32"	56° 32' 58"
12	26° 05' 02"	56° 28' 34"
13	25° 56' 30"	56° 28' 17"
14	25° 48' 32"	56° 22' 02"
15	25° 45' 10"	56° 19' 55"
16	25° 37' 32.345"	56° 16' 03.950"

* Unofficial translation.

Co-ordinates of points

<u>Number of the point</u>	<u>North latitudes</u>	<u>East longitudes</u>
<u>Group B</u>		
17	23° 46' 40"	57° 41' 38"
18	23° 47' 00"	57° 46' 00"
19	23° 50' 28"	57° 57' 38"
20	23° 51' 26"	58° 03' 41"
21	23° 52' 00"	58° 06' 00"
22	23° 52' 06"	58° 07' 09"
23	23° 50' 28"	58° 10' 33"
24	23° 40' 55"	57° 29' 50"
25	23° 37' 38"	57° 35' 29"
26	23° 31' 18"	58° 45' 09"
<u>Group C</u>		
27	20° 57' 18"	58° 49' 00"
28	20° 41' 29"	58° 54' 38"
29	20° 41' 08"	58° 54' 47"
30	20° 30' 12"	58° 58' 39"
31	20° 30' 00"	58° 57' 18"
32	20° 16' 29"	58° 46' 41"
33	20° 12' 44"	58° 43' 20"
34	20° 10' 36"	58° 39' 22"
35	20° 09' 18"	58° 38' 18"
36	20° 20' 30"	58° 19' 30"
37	20° 19' 12"	57° 59' 00"
<u>Group D</u>		
38	17° 55' 02"	56° 20' 29"
39	17° 30' 17"	56° 24' 02"
40	17° 29' 42"	56° 02' 33"
41	17° 29' 12"	55° 51' 48"
42	17° 27' 57"	55° 35' 03"
43	17° 24' 00"	55° 17' 02"

Article 2

The provisions of this Notice shall come into force from the date of issue of this Notice and it shall be published in the Official Gazette.

Note of the Islamic Republic of Iran*
4 February 1983

[Original: English]

The Permanent Representative of the Islamic Republic of Iran to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to the note No. MO/264/82 dated 31 August 1982 of the Permanent Mission of Oman to the United Nations' circulated with the Secretariat's communication No. LE 113(3-3) dated 23 November 1982, has the honour to inform that the Government of the Islamic Republic of Iran considers notification of 1 June 1982, attached to the note No. MO/262/82 of 31 August 1982 of the Permanent Mission of Oman, as the unilateral extension of the internal waters and the territorial sea of Oman. Therefore, the Government of the Islamic Republic of Iran, under provisions of international law, including articles 4 and 5 of the Convention on the Territorial Sea and the Contiguous Zone of 1958, as well as article 8 of the United Nations Convention on the Law of the Sea, adopted on 30 April 1982, presumes that this notification shall not alter the legal nature of this area in connection with the passage right of the third countries' ships, that they have exercised traditionally and historically.

It would be highly appreciated if this notification could be transmitted to the Permanent Missions of States Members of the United Nations.

The Permanent Representative of the Islamic Republic of Iran to the United Nations avails himself of this opportunity to renew to the Secretary-General of the United Nations the assurances of his highest consideration.

* Circulated as note verbale LE 113(3-3) of 21 June 1983.

16. ROMANIA

[Original: French]

Decree No. 142 of 25 April 1986 of the Council of State concerning
the establishment of the exclusive economic zone of the
Socialist Republic of Romania in the Black Sea

With a view to the conservation and optimum utilization of living and non-living natural resources and other resources, and to the defence of other economic interests in the ocean space adjacent to the coast of the Socialist Republic of Romania in the Black Sea, beyond its territorial waters,

In order to establish the sovereign and jurisdictional rights of the Socialist Republic of Romania in that space, and to regulate the conditions for the exercise of those rights,

Taking account of the generally recognized norms of international law and, in particular, the relevant provisions of the Convention on the Law of the Sea, concluded in 1982 under the auspices of the United Nations,

The Council of State of the Socialist Republic of Romania decrees:

Article 1. In the ocean space off the Romanian coast in the Black Sea, beyond and adjacent to the limits of the territorial waters, there shall be established the exclusive economic zone of the Socialist Republic of Romania, in which it shall exercise sovereign rights and jurisdiction over the natural resources of the sea-bed, its subsoil and the superjacent water column and with regard to the different activities related to their exploration, exploitation, conservation and management.

Article 2. The outer part of the exclusive economic zone shall extend to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured; owing to the narrow dimensions of the Black Sea, the effective extent of the exclusive economic zone of the Socialist Republic of Romania shall be determined by delimiting it within the framework of negotiations with the neighbouring States with coasts opposite or adjacent to the Romanian Black Sea coast. The delimitation shall be carried out with due regard for the legislation of the Socialist Republic of Romania, by means of agreements with those States, through the application, according to the specific circumstances of each area to be delimited, of the delimitation principles and criteria generally recognized in international law and in the practice of States, in order to arrive at equitable solutions.

Article 3. In its exclusive economic zone, the Socialist Republic of Romania shall exercise:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and non-living natural resources and other resources on the sea-bed, in its subsoil and in the superjacent water column;

(b) Sovereign rights with regard to other activities related to the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(c) Jurisdiction with regard to:

The establishment and use of artificial islands, installations and structures;

Marine scientific research;

The protection and conservation of the marine environment;

(d) Other rights provided for in this Decree or in other legislation of the Socialist Republic of Romania and in the generally recognized norms of international law.

The sovereign rights and the jurisdiction provided for in this article shall be exercised in accordance with the legislation of the Socialist Republic of Romania.

Article 4. The Socialist Republic of Romania may co-operate in its exclusive economic zone with the other coastal States of the Black Sea so as to ensure the conservation and rational exploration of the living resources and the protection and preservation of the marine environment, particularly in the areas adjacent to that zone, taking account of the specific characteristics of the Black Sea as a semi-enclosed sea with limited biological potential.

Article 5. In the exclusive economic zone of the Socialist Republic of Romania, all States, whether coastal or land-locked, shall enjoy the freedoms of navigation and overflight, the freedom to lay submarine cables and pipelines and other internationally lawful ways of using the sea related to these freedoms, provided that respect is shown for the provisions of this Decree and other legislation of the Socialist Republic of Romania and for the generally recognized norms of international law.

Article 6. The Socialist Republic of Romania has priority interests with regard to the anadromous stocks which originate in its waters and shall therefore exercise its rights in respect of them.

The competent Romanian organs shall take measures to ensure the conservation of these anadromous stocks, by means of appropriate actions, and to establish rules to regulate fishing for them, including the determination of the total authorized catch, and shall co-operate to this end with the organs of the other interested States, when such stocks migrate landward of the limits of the exclusive economic zone of the Socialist Republic of Romania.

Article 7. The Socialist Republic of Romania shall ensure the optimum utilization of the fish and other living resources in its exclusive economic zone, by taking the measures required for the conservation and management of such resources, taking into account the best scientific evidence and, when it deems it necessary, in co-operation with the international organizations which are competent in this field.

To this end, the competent Romanian organs shall annually determine the total authorized catch for each species of fish and other living resources and shall also prescribe measures to ensure the rational conduct of fishing operations, the conservation and reproduction of the living resources and their protection, including the inspection, boarding and arrest of vessels.

The fishing vessels of other States may have access to the exclusive economic zone of the Socialist Republic of Romania through agreements, under conditions of reciprocity.

Article 8. The Socialist Republic of Romania shall have the exclusive right to construct and to authorize and regulate the construction, operation and use in its economic zone of all types of artificial islands and all types of installations and structures intended for the conduct of scientific research in its economic zone and for the exploration and exploitation of its natural resources.

Article 9. In its economic zone, the Socialist Republic of Romania shall have exclusive jurisdiction over artificial islands, installations and structures, including the right to exercise control in order to prevent infractions and other violations of customs, fiscal, health and immigration regulations and of safety laws and regulations.

Safety zones shall be established around the artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania and shall extend a maximum distance of 500 metres measured from each point of their outer edge, except where generally recognized international norms provide otherwise. The competent Romanian organs shall specify the measures which are necessary in these zones in order to ensure the safety of both navigation and the artificial islands, installations and structures.

Romanian organizations and foreign individuals and legal entities that have the right to construct, maintain and operate the aforementioned artificial islands, installations and structures shall be obliged to ensure that the permanent means for giving warning of their presence are maintained in working order.

Notification of the construction of artificial islands, installations and structures, the establishment of safety zones around them and the total or partial dismantling of these installations and structures shall be provided through "Notices to Mariners".

Article 10. Marine scientific research in the exclusive economic zone of the Socialist Republic of Romania shall be conducted in compliance with the legislation of the Socialist Republic of Romania; account shall also be taken of the treaties to which the Socialist Republic of Romania is a party.

Scientific research in the exclusive economic zone of the Socialist Republic of Romania, conducted exclusively for peaceful purposes and to increase scientific knowledge of the marine environment, for the benefit of all mankind, may also be carried out by foreign States or by international organizations, but only with the prior agreement of the competent Romanian organs.

When conducting marine scientific research in the exclusive economic zone of the Socialist Republic of Romania, foreign States and international organizations which are competent in this field and have obtained the agreement of the Romanian organs to this end shall be obliged:

(a) To ensure the participation of Romanian representatives in the marine scientific research work, including work on board research vessels or marine scientific research installations;

(b) To present to the competent Romanian organs, at their request, preliminary reports and the final results and conclusions after the completion of the research;

(c) To grant access for the competent Romanian organs, at their request, to all data derived from the marine scientific research;

(d) Not to prejudice, in any manner whatsoever, by their activities, the sovereign rights and jurisdiction of the Socialist Republic of Romania over its exclusive economic zone, as provided for by this Decree.

Article 11. The prevention, reduction and control of pollution of the marine environment caused by or related to activities in the exclusive economic zone of the Socialist Republic of Romania shall be effected in compliance with Romanian legislation and the treaties to which the Socialist Republic of Romania is a party.

The competent Romanian organs shall establish rules relating to the prevention, reduction and control of pollution of the marine environment and the safety of navigation specifically for the exclusive economic zone of the Socialist Republic of Romania; notification of these rules shall be provided through "Notices to Mariners".

Where there are clear grounds for believing that a vessel which has passed through the exclusive economic zone of the Socialist Republic of Romania has violated the provisions of Romanian legislation or applicable international rules regarding the prevention, reduction and control of pollution of the marine environment, the competent Romanian organs shall have the right to require the vessel concerned to provide explanations concerning such violation and to inspect that vessel if it has refused to provide such explanations or where the explanations received did not correspond to the facts.

Where there is clear objective evidence that a vessel navigating in the exclusive economic zone of the Socialist Republic of Romania has, in that zone, violated the rules contained in the first and second paragraphs and has disposed of wastes causing major damage or threat of major damage to the Romanian coastline or to the resources of the territorial waters or to the Romanian exclusive economic zone, proceedings, including detention of the vessel, may be instituted in respect of such a violation, in accordance with the legislation of the Socialist Republic of Romania.

If the foreign vessel is within a Romanian port, the competent organs of the Socialist Republic of Romania may institute legal proceedings in respect of any violation committed by that vessel in the exclusive economic zone of the Socialist Republic of Romania.

Article 12. Where vessels collide, run aground or suffer any other maritime damage in the exclusive economic zone of the Socialist Republic of Romania, and if the actions related to such damage can have particularly harmful consequences for the exclusive economic zone or for the Romanian coastline, the competent Romanian organs shall have the right to prescribe, in accordance with international law, the necessary measures corresponding to the actual harm or to the threat posed by such damage, in order to protect against pollution or the threat of pollution.

Article 13. The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute contraventions and shall be punishable by a fine of from 100,000 to 1,200,000 lei, which shall be imposed at the place where the contravention is recorded:

(a) The unlawful exploration and exploitation of the natural resources of the exclusive economic zone of the Socialist Republic of Romania;

(b) Pollution and the act of unlawfully introducing, for purposes of disposal within the exclusive economic zone of the Socialist Republic of Romania, by vessels or aircraft or from artificial islands, installations or structures constructed in the sea, substances which are harmful to human health or to the living resources of the sea or other waste and materials which could cause damage or create obstacles to the lawful use of the sea;

(c) The undertaking of activities in the exclusive economic zone of the Socialist Republic of Romania without the consent of the competent Romanian organs;

(d) Failure to comply with the "Notices to Mariners" and with signals relating to the construction of artificial islands, installations and structures;

(e) The construction of artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania, without the necessary approval;

(f) Failure to protect the installations and other equipment in the exclusive economic zone of the Socialist Republic of Romania with permanent means for giving warning of their presence and failure to comply with the standards relating to the maintenance of these means in good working order and with the standards relating to the dismantling of installations and equipment the use of which has been permanently prohibited.

Where the aforementioned acts have caused major damage, have had other serious consequences or have been committed repeatedly, the fine shall be from 1 million to 2 million lei.

In particularly serious situations, the competent Romanian organs may take the additional steps of confiscating the vessel, installations, fishing gear, equipment and other objects belonging to the offender, as well as the goods acquired unlawfully.

The penalties may also be imposed on legal entities.

The acts referred to in the first paragraph shall not constitute contraventions if they have been committed in order to guarantee the safety of navigation, to save human lives or to avoid damage to a vessel or its cargo.

Article 14. The contravention shall be recorded and the penalty imposed by navigation monitoring and control organs specially empowered to do so by the Ministry of Transport and Telecommunication, by organs of the Ministry for the Food Industry and the Acquisition of Agricultural Products and by other legally authorized organs.

Objections to the contravention report may be filed with the Sea and River Section of the Civil Court of the town of Constanta, no later than 15 days following the date of the communication.

Article 15. The provisions of this Decree shall be supplemented by the provisions of Act No. 32/1968 concerning the establishment and punishment of contraventions, except for articles 25, 26 and 27 of that Act, which shall not be applicable in the case of the contraventions referred to in this Decree.

Article 16. The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the exchange rate for non-commercial transactions.

Article 17. The imposition of fines for contraventions shall not exempt the offender from the obligation of making reparation for the damage caused in the exclusive economic zone of the Socialist Republic of Romania, in compliance with Romanian legislation.

Article 18. Where acts have been committed which, under Romanian law, result in the arrest of the commander or the detention of the foreign vessel, the competent Romanian organs shall immediately inform the flag State of the measures taken. The detained vessel and its crew shall be released immediately upon the payment of adequate security.

17. SAO TOME AND PRINCIPE

[Original: English]

Decree-Law No. 48/82 of 2 December 1982 on baselines

Considering the necessity of correcting the geographic co-ordinates which in article 2 of Decree-Law No. 14/78, of 16 June 1978, determine the straight baselines joining the most salient points of the islands of Sao Tome and Principe;

Considering further the advisability of determining more co-ordinates in order to provide perfect continuity of plotting the straight baselines;

Given Decree-Law No. 14/78, of 16 June;

The pertinent articles of the Convention of the Law of the Sea, approved by the Third United Nations Conference on the Law of the Sea on 30 April 1982, having been examined;

Now and therefore,

Exercising the power conferred by indent s) of article 32 of the Constitution, the Government of the Democratic Republic of Sao Tome and Principe decrees and I promulgate the following:

Article 1. Article 2 of Decree-Law No. 14/78, of 16 June, shall be amended to read as follows:

Article 2.

1. The baseline from which the extension of the territorial waters of the Democratic Republic of Sao Tome and Principe is measured consists of the straight line successively joining the most salient points of the two principal islands, islets and emerged reefs surrounding them and is determined by the following geographic co-ordinates:

Points	Co-ordinates	
	<u>Latitude</u>	<u>Longitude</u>
1 - Ilhéu das Rolas (SE)	0 00 45" S	6 31 44" E
2 - Ilhéu das Rolas (S)	0 00 47 S	6 31 21 E
3 - Ilhéu das Rolas (SW)	0 00 28 S	6 31 00 E
4 - Ilhéu Gabado (SW)	0 07 52 N	6 29 05 E
5 - Ilhéu Coco (W)	0 12 02 N	6 27 58 E
6 - Ponta Furada	0 14 39 N	6 27 56 E
7 - Ponta Alema (W)	0 15 48 N	6 28 20 E
8 - Ponta Diogo Vaz (W)	0 19 06 N	6 29 51 E
9 - Pedra da Galé (NW)	1 43 40 N	7 22 55 E
10 - Ilhéus Monteiros (NE)	1 41 14 N	7 28 20 E
11 - Ponto a Sul da Ponta da Garca (E)	1 37 40 N	7 27 52 E
12 - Ilhpeu Carçoço (SE)	1 30 47 N	7 26 05 E
13 - Ilhéu Santana (E)	0 14 29 N	6 45 59 E
14 - Sete Pedras (SE)	0 92 17 N	6 37 48 E

2. The ellipsoid and the datum used in the definition of the geographic co-ordinates are the following:

Ellipsoid used: International

Datum:

Island of Sao Tome

Fortaleza

Y = 0° 20' 49".02 N

L = 6 44 41 85 E

Island of Principe

Morro do Papagaio

Y = 1° 36' 46".87 N

L = 7° 23 39 .65 E

Article 3. This decree-law becomes effective immediately.

18. SENEGAL

[Original: French]

Act No. 85-14 delimiting the territorial sea, the contiguous zone and the continental shelf, 25 February 1985

Article 1

The breadth of the territorial sea is twelve (12) nautical miles, measured from baselines whose reference points are established by decree.

Article 2

A contiguous zone of twelve (12) nautical miles, measured from the outer limit of the territorial sea, is established.

Article 3

Senegal exercises sovereignty over the entire area of its territorial sea.

Article 4

In the contiguous zone, Senegal has the necessary authority to prevent violations of its customs, tax, health and immigration laws and regulations on its territory or in its territorial sea and to punish violations of those laws and regulations committed on its territory or in its territorial sea.

Article 5

The above provisions concerning the territorial sea shall be without prejudice to the right of innocent passage granted to all foreign ships in accordance with the United Nations Convention on the Law of the Sea, signed by Senegal on 10 December 1982 at Montego Bay, Jamaica.

Article 6

The continental shelf comprises the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

Article 7

Senegal exercises sovereign and exclusive rights over the entire area of the continental shelf for the purpose of exploring it and exploiting its natural resources.

Article 8

All existing provisions that are contrary to this Act are hereby repealed, including, in particular, Act No. 76-54 of 9 April 1976 delimiting the territorial sea and the continental shelf.

This Act shall be enforced as a law of the State.

19. SYRIAN ARAB REPUBLIC

[Original: Arabic]

Law 37 of 16 August 1981 on extension of its territorial sea

Article 1 - The Syrian waters, being extended to 35 nautical miles towards open sea. Starting from baseline applicable for measurement of territorial waters, or from lowest tidal water level's line along Syrian coast, as shown on large-scaled nautical maps recognized in Syrian Arab Republic.

Article 2 - To be published in Official Gazette, all opposite and previous statements to be changed in accordance with this law's art.'s.

Note of Israel*
12 March 1982

[Original: English]

The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and, in reference to communication LE 113 (3-3) of 5 February 1982, has the honour to state that:

In the view of the Government of Israel, there is no foundation in existing international law for Syria's claims to extend the territorial sea to a breadth of 35 miles from the baselines from which the breadth of the territorial sea is measured and, accordingly, it does not recognize the said Syrian measure and reserves its rights and the rights of its nationals in respect to it.

The Permanent Representative of Israel has the honour to request that this communication be transmitted to the Permanent Missions of States Members of the United Nations.

The Permanent Representative of Israel avails himself of this opportunity to renew to the Secretary-General the assurances of his highest consideration.

* Circulated as note verbale LE 113 (3-3) of 1 April 1982.

Note of New Zealand*
3 June 1982

[Original: English]

The Permanent Representative of New Zealand to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to note LE 113(3-3) of 5 February 1982 has the honour to convey the view of the New Zealand Government that it is contrary to international law for any coastal State to extend the breadth of its territorial sea to 35 nautical miles. Accordingly the Government of New Zealand does not recognize the Syrian Arab Republic's Law No. 37 and reserves its rights and the rights of New Zealand citizens with regard to that law.

The Permanent Representative of New Zealand has the honour to request that this communication be transmitted to the Permanent Missions of States Members of the United Nations.

The Permanent Representative of New Zealand to the United Nations avails himself of this opportunity to renew to the Secretary-General of the United Nations the assurances of his highest consideration.

* Circulated as note verbale of 12 July 1982.

20. UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

(a) Law of the Union of Soviet Socialist Republics on the
State frontier of the USSR
24 November 1982
(Excerpts)

The Union of Soviet Socialist Republics unswervingly pursues a Leninist peace policy, advocates the strengthening of the people's security and proceeds from the principle of the inviolability of State frontiers, which are the embodiment of territorial integrity, political independence, sovereignty and unity of the State.

In accordance with the Constitution of the USSR, the definition of the State frontier of the USSR and the protection of the State frontiers and the territory of the USSR fall within the jurisdiction of the Union of Soviet Socialist Republics as represented by its supreme organs of State power and administration.

The protection of the State frontier of the USSR is the most important and inalienable part of the defence of the Socialist fatherland. The State frontier of the USSR is inviolable. Any attempts to violate it shall be resolutely suppressed.

I. GENERAL PROVISIONS

Article 1. State frontier of the USSR

The State frontier of the USSR shall be the line, and the surface perpendicular to this line, defining the boundaries of the territory of the USSR - land, water, subsoil and airspace.

Article 2. Definition of the State frontier of the USSR and ensuring its protection

The State frontier of the USSR is defined by the decisions of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR and also by international treaties concluded by the USSR.

The Council of Ministers of the USSR, within the limits of its powers, takes measures to ensure the protection of the State frontier of the USSR and the territory of the USSR.

Article 3. Establishment of the State frontier of the USSR

The State frontier of the USSR, unless otherwise stipulated in international treaties concluded by the USSR, shall be established:

(1) On land, according to distinctive points and lines or clearly visible landmarks;

(2) At sea, along the outer limit of the territorial waters (territorial sea) of the USSR;

(3) On navigable rivers, by the median line dividing the main fairway or by the thalweg of the river; on unnavigable rivers (streams), by the median line dividing them or dividing the river's main arm; on lakes and other water expanses, along the straight line joining the points where the State frontier of the USSR intersects the shore of the lake or other body of water.

The State frontier of the USSR running along a river (stream), lake or other water expanses shall not be shifted as a result of either a change in the contour of the riverbank or lakeshore or in the water level, or of a deviation of the course of the river (stream) in either direction;

(4) On the reservoirs of hydraulic centres and other manmade water expanses, in accordance with the State frontier line of the USSR running through the locality prior to their being filled;

(5) On railroad and motor road bridges, dams and other structures traversing the frontier sections of navigable and unnavigable rivers (streams), along the centre of these structures or along their structural axis, irrespective of where the State frontier of the USSR runs on the water.

Article 4. Marking the State frontier of the USSR

The State frontier of the USSR shall be designated on terrain by clearly visible boundary markers.

The shape and dimensions of boundary markers and the procedure for installing them shall be determined by the legislation of the USSR and by the international treaties concluded by the USSR.

Article 5. Territorial waters (territorial sea) of the USSR

The territorial waters (territorial sea) of the USSR shall include coastal maritime waters to an extent of 12 nautical miles measured from the low-water line, both with respect to the mainland and with respect to islands belonging to the USSR, or from straight baselines joining the relevant points. The geographical co-ordinates of these points shall be established according to the procedure, laid down by the Council of Ministers of the USSR.

In individual cases, a different breadth for the territorial waters (territorial sea) of the USSR may be established by international treaties concluded by the USSR, and in the absence of treaties, in accordance with the generally recognized principles and norms of international law.

Article 6. Internal waters of the USSR

The internal waters of the USSR shall include:

(1) The maritime waters on the landward side of the straight baselines adopted for the measurement of the breadth of the territorial waters (territorial seas) of the USSR;

(2) The waters of USSR ports bounded by a line passing through the outermost seaward points of the hydraulic and other port installations;

(3) The waters of gulfs, bays, inlets and estuaries, the shores of which belong in their entirety to the USSR, up to a straight line drawn from one shore to the other at the place where, on the seaward side, one or more passages begin to take form, provided that the width of each passage does not exceed 24 nautical miles;

(4) The waters of gulfs, bays, inlets, estuaries, seas and straits which have historically belonged to the USSR;

(5) The waters of rivers, lakes and other reservoirs, the shores of which belong to the USSR.

...

Article 8. Definition of the régime of the State frontier of the USSR

The régime of the State frontier of the USSR - the procedure for crossing the State frontier of the USSR, the navigation through and staying in the territorial waters (territorial sea) of the USSR and in the Soviet part of the waters of frontier rivers, lakes and other reservoirs of Soviet or foreign non-military vessels, for the entry into and stay in the internal waters and ports of the USSR of foreign non-military vessels and warships, for the maintenance of the State frontier of the USSR and the carrying out of various operations, fishing and other activity on the State frontier of the USSR - is defined by this Law, by other legislative acts of the USSR and by international treaties concluded by the USSR.

Article 9. Crossing of the State frontier of the USSR

Rail, motor, maritime, river, air and other traffic across the State frontier of the USSR shall be effected at control points established by the Council of Ministers of the USSR in accordance with the legislation of the USSR and the international treaties concluded by the USSR. At control points for crossing the State frontier of the USSR, the frontier troops' checkpoints and customs establishments shall be set up.

Non-military maritime and river vessels, as well as warships, shall cross the State frontier of the USSR in accordance with this Law, other legislative acts of the USSR and the rules issued by competent Soviet organs and published in "Notices to Mariners".

Aircraft shall cross the State frontier of the USSR in specially designated flight corridors in accordance with this Law, other legislative acts of the USSR and the rules issued by competent Soviet organs and published in the "Collection of Air Navigation Information". Flights across the State frontier of the USSR outside the air corridors shall be permitted only with the authorization of the competent Soviet organs.

Article 10. Take-off and landing of aircraft

Soviet and foreign aircraft shall leave the USSR, as well as, after entering the USSR, land at airports (airfields) open to international flights where there are frontier troops' checkpoints and customs establishments. A different procedure for the departure and landing of aircraft is permitted only with the authorization of the competent Soviet organs.

Article 11. Control of the crossing of the State frontier of the USSR

Persons, means of transportation, freight and other property crossing the State frontier of the USSR shall be subject to frontier and customs control. In relevant instances, sanitary and quarantine, veterinary and plant-sanitation control, control over the export of cultural treasures from the USSR and other controls shall be also exercised.

Control shall be organized and exercised by the competent Soviet organs according to the procedure prescribed by the laws of the USSR.

Article 12. Passage of persons, means of transport, freight and other property across the State frontier of the USSR

Persons crossing the State frontier of the USSR shall be permitted to do so by the frontier troops on the basis of valid entry or exit documents.

Means of transportation, freight and other property shall cross the State frontier of the USSR in accordance with the legislation of the USSR and the international treaties concluded by the USSR.

In accordance with the international treaties concluded by the USSR, entry procedures for persons, means of transportation, freight and other property crossing the State frontier of the USSR may be simplified.

Article 13. Innocent passage through the territorial waters (territorial sea) of the USSR

Innocent passage through the territorial waters (territorial sea) of the USSR shall be permitted for the purpose of traversing those waters without entering the internal waters of the USSR or for the purpose of proceeding to the internal waters and ports of the USSR or leaving them for the high seas.

Foreign non-military vessels shall enjoy the right of innocent passage through the territorial waters (territorial sea) of the USSR in accordance with the legislation of the USSR and with international treaties concluded by the USSR.

Foreign non-military vessels exercising the right of innocent passage shall follow the customary navigational route or the route recommended by the competent Soviet organs, as well as the sea lanes and traffic separation schemes.

The master of a foreign non-military vessel which has violated the rules of innocent passage shall be held liable in accordance with Soviet legislation.

Foreign warships and underwater vehicles shall enjoy the right of innocent passage through the territorial waters (territorial sea) of the USSR in accordance with the procedure to be established by the Council of Ministers of the USSR. However, submarines and other underwater vehicles are required to navigate on the surface and show their flag.

Article 14. Procedure governing the entry of foreign non-military vessels and warships into the internal waters and ports of the USSR

Foreign non-military vessels may enter the roadsteads and ports of the USSR that are open to such vessels. The list of roadsteads and ports open to foreign non-military vessels and the arrangements governing entry into and stay in them, including the arrangements governing freight and passenger operations, the vessel's communications with the shore, the disembarkation of members of the vessel's crew, visits to the vessel by persons other than members of the crew, together with other rules related to the entry of foreign non-military vessels into the internal waters and ports of the USSR and the Soviet part of the waters of frontier rivers, lakes and other bodies of water and their stay in such waters, shall be established by the legislation of the USSR and by the rules published in the "Notices to Mariners".

Unless otherwise provided, foreign warships shall enter the internal waters and ports of the USSR with the prior permission of the Council of Ministers of the USSR and in accordance with the rules governing the visits of such ships published in the "Notices to Mariners".

Article 15. Obligation of foreign non-military vessels and warships to comply with navigational and other regulations in the waters of the USSR

Foreign non-military vessels and warships shall, while navigating through and staying in the territorial waters (territorial sea) of the USSR, the internal waters of the USSR or in the Soviet part of the waters of frontier rivers, lakes and other reservoirs, be obliged to comply with the radio, navigation, port, customs, health and other regulations.

If an emergency obliges foreign non-military vessels and warships to enter the territorial waters (territorial sea) of the USSR, the internal waters of the USSR or the Soviet part of the waters of frontier rivers, lakes or other reservoirs or prevents them from complying with the regulations governing navigation through and staying in those waters, they shall immediately so inform the authorities of the nearest Soviet port.

Article 16. Prohibition of harvesting, research and prospecting activity by foreign non-military vessels and warships in USSR waters

Harvesting, research and prospecting activity by foreign non-military vessels and warships in the territorial waters (territorial sea) of the USSR, in the internal waters of the USSR and in the Soviet part of the waters of frontier rivers, lakes and other reservoirs shall be prohibited except when such activity is authorized by the competent Soviet organs or under international treaties concluded by the USSR.

Article 17. Prohibition of navigation and stopping by non-military vessels and warships in certain areas of USSR waters

Within the territorial waters (territorial sea) of the USSR and the internal waters of the USSR, there may be established by decision of the competent Soviet organs areas in which navigation by and the stay of Soviet and foreign non-military vessels and warships are prohibited. The establishment of such areas shall be announced in the "Notices to Mariners".

Article 18. Procedure governing economic activities on the State frontier of the USSR

Navigation, the use of bodies of water for timber-rafting and other uses of water, the installation of miscellaneous waterworks and other activities in the Soviet part of the waters of frontier rivers, lakes and other water bodies, the exploitation of lands, forests and fauna, mining, geological prospecting and other economic activities on the State frontier of the USSR shall take place in accordance with Soviet legislation and international treaties concluded by the USSR and shall be carried out in such a way as to ensure proper order on the State frontier of the USSR.

The competent Soviet authorities, in agreement with the frontier troops and taking into account local conditions, shall establish the procedure governing all forms of economic activity on the State frontier of the USSR.

Article 19. Temporary suspension of traffic across the State frontier of the USSR in the event of a threatened spread of infectious diseases.
Quarantine

In the event of a threatened spread of especially dangerous infectious diseases in the territory of the USSR or of a foreign State, traffic across the State frontier of the USSR in the areas under threat may, upon the decision of the Council of Ministers of the USSR, be temporarily limited or suspended and quarantine established for persons, animals, freight, seeds and planting materials and other animal and plant products crossing the State frontier of the USSR.

Article 20. Violators of the State frontier of the USSR

The following shall be considered violators of the State frontier of the USSR:

(1) Persons crossing or attempting to cross the State frontier of the USSR in a way other than by the entry points on the State frontier of the USSR, or at the entry points on the State frontier of the USSR but in violation of the rules governing the crossing of the frontier;

(2) Persons who have boarded or who attempt to board foreign or Soviet means of transportation heading for the frontier for the purposes of illegal exit from the USSR;

(3) Foreign non-military vessels and warships which have entered the territorial waters (territorial sea) of the USSR or the internal waters of the USSR or the Soviet part of the waters of frontier rivers, lakes and other bodies of water in violation of the rules established for entry into such waters. Foreign submarines and other submersibles shall also be considered violators of the State frontier of the USSR in the event that they cross the State frontier of the USSR while underwater or are in such a position while navigating through and staying in the waters of the USSR;

(4) Aircraft and other airborne machines which have crossed the State frontier of the USSR without the necessary permission of the competent Soviet organs or which have committed other violations of the rules governing flight across the State frontier of the USSR.

It shall also be a violation of the State frontier of the USSR to cross it by any other technical or other means without appropriate permission or in violation of the established procedure.

Article 21. Frontier representatives of the USSR

In order to settle questions related to the maintenance of the régime of the State frontier of the USSR and also to settle frontier incidents, on certain sections of the State frontier of the USSR, frontier representatives of the USSR (frontier commissars, frontier plenipotentiaries and their deputies) shall be appointed from among officers of the frontier troops in accordance with the established procedure.

The frontier representatives of the USSR shall be guided by the legislation of the USSR, international treaties concluded by the USSR and instruments issued by the competent Soviet organs.

Questions not settled by the frontier representatives shall be decided through the diplomatic channel.

...

VI. RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION CONCERNING THE STATE FRONTIER OF THE USSR

Article 40. Responsibility for violation of the legislation concerning the State frontier of the USSR

Persons guilty of violating or attempting to violate the State frontier of the USSR, its régime, the frontier régime or the régime governing control points on the State frontier of the USSR, of illegally transporting or attempting to transport across the State frontier of the USSR freight, materials, documents and other articles, or of violating in other ways the legislation concerning the State frontier of the USSR, shall bear criminal, administrative or other responsibility in accordance with the legislation of the USSR and the Union Republics.

[Original: Russian]

(b) Decree of the Presidium of the Supreme Soviet of the USSR
on the economic zone of the USSR
28 February 1984

For the conservation and optimum utilization of living and other resources and the protection of other economic interests of the USSR in maritime areas adjacent to the coast of the USSR, taking into consideration the relevant provisions of the United Nations Convention on the Law of the Sea designed to establish a uniform régime of economic zones, and with the aim of promoting the implementation of those provisions, the Presidium of the Supreme Soviet of the USSR determines:

1. In maritime areas beyond and adjacent to the territorial waters (territorial sea) of the USSR, including areas surrounding islands belonging to the USSR, there shall be established an economic zone of the USSR, the outer limit of which shall be situated at a distance of 200 nautical miles measured from the same baselines as the territorial waters (territorial sea) of the USSR.

The delimitation of the economic zone between the USSR and States with coasts opposite or adjacent to the coast of the USSR shall be effected, taking into account the legislation of the USSR, by agreement on the basis of international law, in order to achieve an equitable solution.

2. In its economic zone, provided for in article 1 of this Decree, the USSR shall have:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, situated on the sea-bed, in its subsoil and in the superjacent waters;

(b) Sovereign rights with regard to other activities for the economic exploration and exploitation of the zone;

(c) Jurisdiction with regard to:

- (1) the establishment and use of artificial islands, installations and structures;
- (2) marine scientific research; and
- (3) the protection and preservation of the marine environment;

(d) Other rights provided for in this Decree, in other relevant legislative instruments of the USSR and in the generally recognized norms of international law.

The rights and jurisdiction set out in this article with respect to the sea-bed of the economic zone and its subsoil shall be exercised in accordance with the legislation of the USSR concerning the continental shelf of the USSR.

3. The USSR shall exercise the rights stemming from its primary interest in and responsibility for anadromous stocks of fish which originate in its rivers.

The competent Soviet authorities shall ensure the conservation of such anadromous stocks by the adoption of appropriate measures and by the establishment of rules regulating their fishing, including the establishment of total allowable catches, both in its economic zone and beyond the limits of the zone.

The USSR shall ensure compliance with the measures and rules pertaining to anadromous stocks beyond the limits of its economic zone on the basis of treaties between the USSR and other interested States.

Fishing by other States of anadromous stocks originating in the rivers of the USSR, beyond the outer limits of the economic zone of the USSR, shall be conducted on the basis of treaties between the USSR and other interested States concerning the terms and conditions of such fishing, giving due regard to the conservation requirements and the needs of the USSR in respect of such stocks.

The terms and conditions of the utilization and conservation of anadromous stocks originating in the rivers of the USSR shall be determined by the Council of Ministers of the USSR.

4. In the economic zone of the USSR, all States, whether coastal or land-locked, shall enjoy, subject to the provisions of this Decree and other relevant legislative instruments of the USSR, as well as the generally recognized norms of international law, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to those freedoms.

5. The USSR shall ensure the optimum utilization of fish and other living resources in its economic zone through proper conservation and management measures, taking into account the best scientific evidence and, where appropriate, in co-operation with the competent international organizations.

To this end, for instance, the competent Soviet authorities shall determine annually the total allowable catch of every species of fish and other living resources and the portion of this catch to which access may be granted to foreign States, and shall take measures to ensure rational conduct of fishing, conservation and reproduction of living resources as well as their protection, including inspection, detention and arrest of ships.

The terms and conditions of the utilization and protection of fish and other living resources of the economic zone of the USSR shall be determined by the Council of Ministers of the USSR.

6. The harvesting of fish and other living resources, as well as research, exploration and other operations connected with such harvesting, hereinafter referred to as "fishing", may be performed by foreign juridical or natural persons in the economic zone of the USSR only on the basis of international treaties or other agreements between the USSR and the foreign States concerned.

Foreign juridical or natural persons engaging in fishing in the economic zone of the USSR in accordance with the first paragraph of this article shall comply with the measures for the conservation of living resources and the other provisions and conditions established by this Decree, by other relevant legislative instruments of the USSR and by the rules adopted on the basis thereof.

7. In the economic zone of the USSR, the USSR shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of any artificial islands and any kind of installations and structures for the purpose of conducting scientific research in its economic zone, as well as for the exploration and exploitation of its natural resources and for other economic purposes. This right shall also cover the construction, operation and use of installations and structures which may interfere with the exercise of the rights of the USSR in the economic zone.

The USSR shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

Around such artificial islands, installations and structures, safety zones shall be established wherever necessary, which shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. The competent Soviet authorities shall determine in these zones the appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

Soviet organizations, foreign States and their juridical or natural persons responsible for the maintenance and operation of the above mentioned artificial islands, installations and structures shall provide for the maintenance in good working order of permanent means for giving warning of their presence. Any installations, structures and equipment which are abandoned or disused shall be removed as soon as possible and to such an extent as to create no obstacle to navigation and fishing and no danger of polluting the marine environment.

The construction of artificial islands, the erection of installations and structures, the establishment of safety zones around them, as well as the complete or partial liquidation of these installations and structures, shall be announced in "Notices to Mariners".

8. Marine scientific research in the economic zone of the USSR shall be carried out in accordance with the legislation of the USSR and in accordance with the international treaties concluded by the USSR.

Marine scientific research in the economic zone of the USSR may be carried out by foreign States and competent international organizations only with the consent of the competent Soviet authorities. In normal circumstances, the competent Soviet authorities shall grant their consent for marine scientific research by foreign States in the economic zone of the USSR on condition that this research is carried out exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind.

Such consent may be withheld if the marine scientific research:

- (1) Is of direct significance for the exploration and exploitation of the natural resources of the economic zone of the USSR, whether living or non-living;
- (2) Involves drilling into the sea-bed of the economic zone, the use of explosives or the introduction of harmful substances into the marine environment;

(3) Involves the construction, operation or use of artificial islands, installations and structures.

Foreign States and competent international organizations which intend to undertake marine scientific research in the economic zone of the USSR shall, not less than six months in advance of the expected starting date of the research, provide the competent Soviet authorities with complete information about the planned research.

If the information provided in accordance with the fourth paragraph of this article is inaccurate, or if the foreign State and the competent international organization carrying out the research have outstanding obligations towards the USSR stemming from previous marine scientific research, the competent Soviet authorities may withhold consent for such research.

9. Foreign States and competent international organizations shall be obliged, while carrying out marine scientific research in the economic zone of the USSR:

(1) To ensure the right of Soviet representatives to participate in the marine scientific research, especially on board research vessels and other craft or scientific research installations;

(2) To provide the competent Soviet authorities, at their request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;

(3) To provide access for the competent Soviet authorities, at their request, to all data and samples derived from the marine scientific research and likewise to furnish them with data which may be copied and samples which may be divided without detriment to their scientific value;

(4) If requested, to provide the competent Soviet authorities with an assessment of such data, samples and research results;

(5) Not to obstruct activity carried out in exercise of the sovereign rights and jurisdiction envisaged in articles 2 and 3 of this Decree;

(6) To inform the competent Soviet authorities immediately of any major change in the research programme;

(7) Unless otherwise agreed, to remove as quickly as possible the scientific research installations or equipment once the research is completed.

10. Marine scientific research in the economic zone of the USSR which is not being conducted in accordance with the information communicated under article 8 of this Decree, or which violates the provisions of article 9 of this Decree, may be suspended by the competent Soviet authorities. Resumption of the research shall be permitted only after the elimination of the violations committed and the receipt of guarantees that such violations will not occur in future.

Marine scientific research in the economic zone of the USSR conducted without the consent of the competent Soviet authorities, or with a deviation from the information communicated under article 8 of this Decree which amounts to a major change in the original research project, shall be liable to immediate termination.

11. The terms and conditions for the carrying out of marine scientific research, for the construction of artificial islands, for the erection, maintenance, operation, protection and removal of installations, structures and safety zones around them, as well as for the issue of permits for the execution of all the aforementioned work in the economic zone of the USSR, shall be established by the Council of Ministers of the USSR.

12. The prevention, reduction and control of pollution of the marine environment arising out of or connected with activity in the economic zone of the USSR shall be effected in accordance with the legislation of the USSR, as well as with international treaties concluded by the USSR.

13. With regard to particular clearly defined areas of the economic zone of the USSR, where the establishment of special mandatory measures for the prevention of pollution from vessels is required for technical reasons in relation to their oceanographical and ecological conditions, as well as their utilization or the protection of their resources and the particular character of their traffic, such measures, including those relating to navigational practice, may be established by the Council of Ministers of the USSR in areas determined by it. The limits of such special areas shall be published in "Notices to Mariners".

14. The competent Soviet authorities may, in the manner determined by the legislation of the USSR, establish regulations for the prevention, reduction and control of pollution of the marine environment and also for the safety of navigation, and enforce such regulations in ice-covered areas possessing special natural characteristics, where pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance.

15. Where there are clear grounds for believing that a vessel navigating in the territorial waters (territorial sea) of the USSR or in the economic zone of the USSR has, in that zone, committed a violation of the legislation mentioned in articles 12 to 14 of this Decree or of applicable international rules for the prevention, reduction and control of pollution of the marine environment from vessels, the competent Soviet authorities may:

(1) Require the vessel to give the information necessary to establish whether a violation has occurred;

(2) Undertake an inspection of the vessel in connection with the violation, if it has resulted in a substantial discharge of polluting substances causing or threatening significant pollution of the marine environment and if, at the same time, the vessel has refused to give the necessary information or the information is at variance with the evident factual situation.

Where there is clear objective evidence that a vessel navigating in the territorial waters (territorial sea) of the USSR or in the economic zone of the USSR has, in that zone, committed a violation of the laws and regulations mentioned in the first paragraph of this article through a discharge of polluting substances causing major damage or threat of major damage to the coastline of the USSR, to interests relating to that coastline or to any resources of the territorial waters (territorial sea) of the USSR or of the economic zone of the USSR, proceedings may be instituted in respect of this violation, including detention of the vessel in accordance with the laws of the USSR.

When a foreign vessel enters a Soviet port, the competent Soviet authorities may institute proceedings in respect of any violation of the laws or regulations mentioned in the first paragraph of this article committed by the vessel in the economic zone of the USSR.

The procedure for the exercise by the competent Soviet authorities of the rights provided for in this article shall be determined by the Council of Ministers of the USSR.

16. Dumping within the limits of the economic zone of the USSR of wastes or other materials and objects shall be carried out only with the permission and under the control of the competent Soviet authorities. The terms and conditions for dumping and for the issue of such permits shall be determined by the Council of Ministers of the USSR.

17. If a collision of vessels, the stranding of a vessel or other maritime casualty occurring in the economic zone of the USSR or beyond its outer limits, or acts relating to such a casualty may result in major harmful consequences for the coastline of the USSR and related interests, including fishing, the competent Soviet authorities shall be entitled, pursuant to international law, to take the necessary measures proportionate to the actual or threatened damage, with the aim of preventing pollution or threat of pollution.

18. Where there is good reason to believe that a foreign ship has violated the provisions of this Decree or of other relevant legislative instruments of the USSR, and when it attempts to flee, the right to pursue the offender with a view to making an arrest and subsequently establishing liability shall be exercised in the manner established by the competent Soviet authorities. Such pursuit shall commence when the offending ship or one of its boats is within the limits of the economic zone of the USSR, after a signal to stop has been given, and shall cease as soon as the ship pursued enters the territorial waters (territorial sea) of its own country or of any third State.

19. Persons guilty of:

(1) Illegal exploration or exploitation of the natural resources of the economic zone of the USSR;

(2) Illegal removal, for the purpose of dumping within the limits of the economic zone of the USSR, from vessels and other floating devices, from aircraft or from artificial islands constructed in the sea, from installations and structures of substances harmful to human health or to the living resources of the sea, or of other wastes, materials and objects which may harm or obstruct lawful forms of utilization of the sea;

(3) Pollution of the marine environment resulting from the illegal discharge in the economic zone of the USSR from vessels and other floating devices, from aircraft or from artificial islands constructed in the sea, from installations and structures of substances harmful to human health or to the living resources of the sea, of compounds containing such substances in amounts exceeding established norms, or of other wastes, materials and objects which may harm recreational zones or prevent other lawful forms of utilization of the sea;

(4) Pollution of the marine environment directly resulting from drilling or other types of work for the exploration or exploitation in the economic zone of the USSR of the mineral resources of the sea-bed;

(5) Other violations of regulations pertaining to the prevention, reduction and control of pollution of the marine environment in the economic zone of the USSR;

(6) The conduct in the economic zone of the USSR of marine scientific research without the consent of the competent Soviet authorities;

(7) The creation of artificial islands, the construction of installations and structures in the economic zone of the USSR, as well as the establishment of safety zones around them, without the required permission;

(8) Failure to provide installations and other structures in the economic zone of the USSR with permanent means for giving warning of their presence, violation of regulations concerning the maintenance of those means in good working order and of regulations concerning the removal of installations and structures, the operation of which has finally ceased, as well as violations of other provisions of this Decree as connected with the performance of obligations stemming from international treaties concluded by the USSR;

shall be liable to measures of administrative punishment consisting of a fine of up to 10,000 roubles imposed at the place where the violation was discovered.

If the said violations have caused substantial damage or other major consequences, or if they have been repeated, those guilty shall be liable to a fine of up to 100,000 roubles, imposed by the regional (urban) people's court. In cases of violations provided for in subparagraphs 1, 6 and 7 of the first paragraph of this article, the court may order, as an additional administrative penalty, the confiscation of the vessel, installations, fishing implements, equipment, instruments and other objects which were used by the offender, as well as of everything illegally harvested.

In cases of arrest or detention of foreign vessels, the competent Soviet authorities shall promptly notify the flag State of the action taken and of any penalties subsequently imposed. Detained vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.

20. Persons guilty of violations covered by article 19 of this Decree shall bear administrative liability, unless such violations by their nature entail criminal liability in accordance with the current legislation of the USSR.

21. The adoption of the administrative measures provided for in this Decree shall not absolve offenders from compensating for damage caused by them to living and other resources of the economic zone of the USSR, in accordance with the existing legislation of the USSR.

22. The procedure for the protection of the economic zone of the USSR shall be established by the Council of Ministers of the USSR.

23. This Decree shall enter into force on 1 March 1984.

24. The following are suspended:

Decree dated 10 December 1976 of the Presidium of the Supreme Soviet of the USSR "On Provisional Measures to Conserve Living Resources and Regulate Fishing in the Sea Areas Adjacent to the Coast of the USSR" (Gazette of the Supreme Soviet of the USSR, 1976, No. 50, page 728; 1982, No. 15, page 238);

Resolution dated 22 March 1977 of the Presidium of the Supreme Soviet of the USSR on the procedure for the implementation of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR "On Provisional Measures to Conserve Living Resources and Regulate Fishing in the Sea Areas Adjacent to the Coast of the USSR" (Gazette of the Supreme Soviet of the USSR, 1977, No. 13, page 217).

25. The Council of Ministers of the USSR shall bring the decisions of the Government of the USSR into line with this Decree.

21. UNITED STATES OF AMERICA

[Original: English]

Note dated 13 January 1986 from the United States Mission
to the United Nations addressed to the Secretary-General
of the United Nations

The Government of the United States wishes to provide the United Nations with the attached notices published in the Federal Register of the United States, which provide public notice of the issuance, by the National Oceanic and Atmospheric Administration, United States Department of Commerce, of four licences authorizing deep sea-bed hard mineral resource exploration in specified areas of the east-central Pacific Ocean (see annex). Included in the Federal Register notices are the geographical co-ordinates of the deep sea-bed areas within which deep sea-bed hard mineral exploration has been authorized.

These licences were issued pursuant to the Deep Sea-Bed Hard Mineral Resources Act, Public Law 96-283; 30 U.S.C. 1401 et seq. In accordance with section 102 (b) (2) of that Act, these licences are exclusive as against "any other United States citizen or any citizen, national or government agency of, or any legal entity organized or existing under the laws of, any reciprocating State". Reciprocating States are those States designated as such in accordance with section 118 of the Act.

The Government of the United States also calls attention to section 3 (a) of the Act, which states:

By the enactment of the Act, the United States:

(1) Exercises jurisdiction over United States citizens and vessels, and foreign persons and vessels otherwise subject to its jurisdiction, in the exercise of the high seas freedom to engage in exploration for, and commercial recovery of, hard mineral resources of the deep sea-bed in accordance with generally accepted principles of international law recognized by the United States; but

(2) Does not thereby assert sovereignty or sovereign or exclusive rights or jurisdiction over, or the ownership of, any areas or resources in the deep sea-bed.

In addition to confirming for the United Nations, and through its Member States, the existence of licences for exploration of the hard mineral resources of the deep sea-bed, the Government of the United States takes this opportunity to state that, in view of the international legal obligation of all States to avoid unreasonable interference with the interests of other States in their exercise of the freedoms of the high seas, the Government of the United States stands ready to consult on this subject with any other

Government. The Government of the United States also notes that it has been informed by representatives of the recipients of United States licences that they also are prepared to discuss the subject of avoidance of interference of activities with any other entity engaged in such activities in the areas within which their deep sea-bed hard mineral exploration has been authorized.

The Government of the United States requests that this note, and the attached Federal Register notices, be circulated by the United Nations as part of the next Law of the Sea Bulletin prepared by the Office of the Special Representative of the Secretary-General for the Law of the Sea.

Annex

FEDERAL REGISTER NOTICES

Deep sea-bed mining; Issuance of exploration licence
7 September 1984

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of issuance of exploration licence to Ocean Minerals Company subject to terms, conditions and restrictions.

Summary: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 August 1984 issued to Ocean Minerals Company, 465 Bernardo Avenue, Mountain View, California 94043 a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-1 which is located in the Clarion-Clipperton Fracture Zone of the North-eastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Deep sea-bed mining; Notice of availability of information
2 January 1985

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of location of Ocean Minerals Company and Kennecott Consortium deep sea-bed mining licence areas; correction to Ocean Minerals Company co-ordinates.

Summary: In Federal Register document 84-31460, published 30 November 1984, at page number 47081, the National Oceanic and Atmospheric Administration (NOAA) issued notice of the co-ordinates of the area covered by a licence (designated as USA-1) issued to Ocean Minerals Company (OMCO) to conduct deep sea-bed mining exploration activities.

Turning Point 6 of Area 1 is corrected to read
11°40' N, 132°20' W.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Deep sea-bed mining; Issuance of exploration licence
1 November 1984

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of issuance to Kennecott Consortium.

Summary: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 October 1984 issued to Kennecott Consortium, 1515 Mineral Square, Salt Lake City, Utah, 84147 a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-4 which is located in the Clarion-Clipperton Fracture Zone of the North-eastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Deep sea-bed mining; Availability of information
23 November 1984

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of location of Ocean Minerals Company and Kennecott Consortium deep sea-bed mining licence areas.

Summary: On 29 August 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a licence (designated as USA-1) to Ocean Minerals Company (OMCO) to conduct deep sea-bed mining exploration activities in an area of 165,533 square kilometres in the North-eastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. On 20 November 1984, OMCO formally withdrew its request for confidential treatment of the precise location of its licence areas and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well.

On 29 October 1984, NOAA issued a licence (designated USA-4) to the Kennecott Consortium (KCON) to conduct deep sea-bed mining exploration activities in an area of 65,000 square kilometres in the North-eastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. On 21 November 1984, KCON formally withdrew its request for confidential treatment of the precise location of its licence area and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well.

In accordance with these requests and pursuant to 15 CFR 970.902 (d) (5), NOAA hereby is publishing the co-ordinates of the OMCO and KCON licence areas.

The OMCO licence applies to two areas, bounded by a line with the following turning points:

<u>Area 1</u>		
<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	13°40'N	128°35'W
2	11°40'N	128°35'W
3	11°40'N	131°15'W
4	11°30'N	131°15'W
5	11°30'N	132°00'W
6	11°40'N	132°20'W
7	11°40'N	133°50'W
8	12°50'N	133°50'W
9	12°50'N	132°15'W
10	13°20'N	132°15'W
11	13°20'N	130°00'W
12	13°40'N	130°00'W
1	13°40'N	128°35'W

Area 2

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	11°50'N	145°00'W
2	11°50'N	143°15'W
3	10°45'N	143°15'W
4	10°45'N	142°15'W
5	9°45'N	142°15'W
6	9°45'N	142°45'W
7	9°15'N	142°45'W
8	9°15'N	143°45'W
9	10°00'N	143°45'W
10	10°00'N	144°00'W
11	9°45'N	144°00'W
12	9°45'N	144°45'W
13	9°30'N	144°45'W
14	9°30'N	145°00'W
1	11°50'N	145°00'W

The KCON licence area is bounded by a line with the following turning points:

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	14°20'N	128°00'W
2	14°20'N	126°15'W
3	13°45'N	126°15'W
4	13°45'N	125°20'W
5	12°15'N	125°20'W
6	12°15'N	127°00'W
7	11°40'N	127°00'W
8	11°40'N	127°43'W
9	12°00'N	127°43'W
10	12°00'N	128°00'W
1	14°20'N	128°00'W

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMCO and KCON licence issuance, NOAA will send copies of this notice to the persons, organizations and agencies who were EIS recipients.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Deep sea-bed mining: Issuance of exploration licence
7 September 1984

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of issuance of exploration licence to Ocean Management Inc., subject to terms, conditions, and restrictions.

Summary: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 August 1984 issued to Ocean Management, Inc., One New York Plaza, New York, N.Y. 10004, a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-2, which is located in the Clarion-Clipperton Fracture Zone of the North-eastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Deep sea-bed mining; Notice of availability of information
6 December 1984

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of location of Ocean Management, Inc. deep sea-bed mining licence area.

Summary: On 29 August 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a licence (designated as USA-2) to Ocean Management, Inc. (OMI) to conduct deep sea-bed mining exploration activities in an area of 136,000 square kilometres in the North-eastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. OMI has now formally withdrawn its request for confidential treatment of the precise location of its licence area and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well.

In accordance with this request and pursuant to 15 CFR 970.902 (d) (5), NOAA hereby is publishing the co-ordinates of the OMI licence area.

The OMI licence applies to an area bounded by a line with the following turning points:

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	15°25'N	134°00'W
2	14°00'N	134°00'W
3	14°00'N	133°50'W
4	11°30'N	133°50'W
5	11°30'N	136°00'W
6	10°50'N	136°00'W
7	10°50'N	137°50'W
8	12°30'N	137°50'W
9	12°30'N	136°00'W
10	15°25'N	136°00'W
1	15°25'N	134°00'W

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMI licence issuance, NOAA will send copies of this notice to the persons, organizations and agencies who were EIS recipients.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Deep sea-bed mining; Issuance of exploration licence

7 September 1984

- Agency:** National Oceanic and Atmospheric Administration, Commerce.
- Action:** Notice of issuance of exploration licence to Ocean Mining Associates subject to terms, conditions and restrictions.
- Summary:** Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on 29 August 1984 issued to Ocean Mining Associates, Box 2, Gloucester Point, Va. 23062, a licence to engage in deep sea-bed mining exploration activities subject to terms, conditions and restrictions, for a site designated USA-3, which is located in the Clarion-Clipperton Fracture Zone of the North-eastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the licence at the address below.

For further information contact: John W. Padar. or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Deep sea-bed mining; Availability of information
7 November 1984

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of location of Ocean Mining Associates deep sea-bed mining licence area.

Summary: On 29 August 1984, the National Oceanic and Atmospheric Administration (NOAA) issued a licence (designated as USA-3) to Ocean Mining Associates (OMA) to conduct deep sea-bed mining exploration activities in the North-eastern Equatorial Pacific Ocean within the sea-bed area generally known as the Clarion-Clipperton Fracture Zone. On 26 October 1984, OMA formally withdrew its request for confidential treatment of the precise location of its licence area and requested NOAA to apprise the public of this fact and to publish the co-ordinates as well. In accordance with this request and pursuant to 15 CFR 970.902 (d) (5), NOAA hereby is publishing the co-ordinates of the OMA licence area.

The OMA licence area is bounded by a line with the following turning points:

<u>Turning point</u>	<u>Latitude</u>	<u>Longitude</u>
1	15°20'N	128°35'W
2	15°20'N	127°50'W
3	15°15'N	127°50'W
4	15°15'N	127°46'W
5	15°44'N	127°46'W
6	15°44'N	125°20'W
7	16°14'N	125°20'W
8	16°14'N	124°20'W
9	16°04'N	124°20'W
10	16°04'N	123°25'W
11	15°44'N	123°25'W
12	15°44'N	122°20'W
13	14°10'N	122°20'W
14	14°10'N	122°45'W
15	13°21'N	122°45'W
16	13°21'N	123°00'W
17	12°56'N	123°00'W
18	12°56'N	123°35'W
19	14°05'N	123°35'W
20	14°05'N	125°00'W
21	13°45'N	125°00'W
22	13°45'N	126°15'W
23	14°20'N	126°15'W
24	14°20'N	128°00'W
25	12°00'N	128°00'W
26	12°00'N	127°43'W
27	11°40'N	127°43'W
28	11°40'N	128°35'W
1	15°20'N	128°35'W

This area (of approximately 156,000 square kilometres) includes most of the approximately 60,000-square kilometre area claimed by Deepsea Ventures, Inc., (predecessor to OMA and now its marine operating unit) on 15 November 1974. On that date, a notice of discovery and a claim of exclusive mining rights were filed with the Secretary of State and that fact was widely published by Deepsea Ventures.

Consistent with the disclosure policy stated in the Environmental Impact Statement (EIS) on the OMA licence issuance, NOAA will send copies of this notice to the persons, organizations and agencies who were EIS recipients.

For further information contact: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

22. VANUATU

[Original: English]

The Maritime Zones Act No. 23 of 1981*

Arrangement of sections

PART 1 - INTERPRETATION

- i. Interpretation

PART 2. INTERNAL WATERS

2. Internal waters

PART 3. - ARCHIPELAGIC WATERS AND TERRITORIAL SEA

3. Sovereignty of Vanuatu
4. Archipelagic waters
5. Territorial sea
6. Rights of passage

PART 4 - CONTIGUOUS ZONE

7. Contiguous zone

PART 5 - THE CONTINENTAL SHELF AND EXCLUSIVE ECONOMIC ZONE

8. Continental shelf
9. Exclusive economic zone
10. Vanuatu rights over continental shelf and exclusive economic zone

PART 6 - MISCELLANEOUS

11. Restricted activities
12. Offences and penalties
13. Orders

PART 7 - TRANSITIONAL AND COMMENCEMENT

14. Extension of laws to continental shelf and exclusive economic zone
15. Interim provision for sea lanes and air routes
16. Commencement

SCHEDULE

ARCHIPELAGIC BASELINE

THE MARITIME ZONES ACT No. 23 of 1981

Assent: 15 December 1981
Commencement: See section 16.

* Entered into force on 6 October 1982.

To provide for the delimitation of the maritime zones of the Republic, and other matters incidental thereto.

Be it enacted by the President and Parliament as follows:

PART 1 - INTERPRETATION

Interpretation

1. In this Act, unless the context otherwise requires

"Bay" means an indentation of the coast with an area of not less than that of the semi-circle the diameter of which is a line drawn across the mouth of the indentation;

"Island" means a naturally formed area of land, surrounded by water, which is above water at high tide;

"Low waterline" means the relevant low water datum line shown on the latest relevant British Admiralty Charts or where there is no such datum the lowest astronomical tide line. In any case where there is doubt as to which is the latest relevant British Admiralty Chart for the purposes of this definition the Minister may establish which is such chart by declaration published in the Gazette;

"Nautical mile" means an international nautical mile of 1,852 metres.

PART 2 - INTERNAL WATERS

Internal waters

2. The internal waters of Vanuatu comprise all waters that are contained within the baselines from which the breadth of the territorial sea is measured or for areas enclosed by straight archipelagic baselines, all waters that are contained within the innermost limits of the archipelagic waters.

PART 3 - ARCHIPELAGIC WATERS AND TERRITORIAL SEA

Sovereignty of Vanuatu

3. The sovereignty of Vanuatu extends beyond the land and internal waters of its islands to the archipelagic waters and territorial sea and to the airspace thereover as well as to the sea-bed and subsoil thereunder.

Archipelagic waters

4. (1) The archipelagic waters comprise all waters other than internal waters contained within the archipelagic baseline as delimited in the schedule.

(2) The innermost limits of the archipelagic waters shall be

- (a) The low water line; or
- (b) In the case of the sea adjacent to a bay
 - (i) Where the bay has only one mouth and the distance between the low-water lines of the natural entrance points of the bay does not exceed 24 nautical miles, along a closing line joining those low-water lines;
 - (ii) Where because of the presence of islands the bay has more than one mouth and the distance between the low-water lines of the natural entrance points of each mouth added together do not exceed 24 nautical miles along a series of closing lines across each of the mouths so as to join those low-water lines;
 - (iii) Where neither paragraph (a) nor paragraph (b) applies, along a closing line 24 nautical miles in length drawn from low-water line to low-water line within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length; and
- (c) In the case of the mouth or each mouth of a river which flows into the sea, a closing line across the river mouth between points on the low-water line of its banks.

Territorial sea

5. (1) The territorial sea comprises all areas of sea having as their innermost limits the baselines described in sub-section (2) and as their outermost limits, a line measured seaward from those baselines, every point of which is 12 nautical miles from the nearest point of the appropriate baseline.

(2) The baselines from which the territorial sea is measured shall be the archipelagic baseline and the low water line of the coast of Matthew Island and Hunter Island.

Rights of passage

6. (1) Subject to the provisions of this Act, all foreign ships may enjoy the right of innocent passage through the archipelagic waters and territorial sea.

(2) The Minister may, after consultation with the Minister responsible for transport and communications, by order published in the Gazette, designate sea lanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over the archipelagic waters and territorial sea and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sea lanes.

PART 4 - CONTIGUOUS ZONE

Contiguous zone

7. (1) The contiguous zone is an area beyond and adjacent to the territorial sea having as its outermost limits a line measured seaward from the baselines from which the territorial sea is measured, every point of which is 24 nautical miles from the nearest point of the appropriate baseline.

(2) Vanuatu may exercise such powers and take such measures in relation to the contiguous zone as may be necessary in order to prevent or punish infringements of its customs, fiscal immigration or sanitary laws.

PART 5 - THE CONTINENTAL SHELF AND EXCLUSIVE ECONOMIC ZONE

Continental shelf

8. The continental shelf comprises the sea-bed and subsoil of the submarine areas that extend beyond the limits of the territorial waters throughout the natural prolongation of the land territory of Vanuatu

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

(b) To a distance of 200 nautical miles from the baseline from which the territorial sea is measured where the outer edge of the continental shelf does not extend up to that distance.

Exclusive economic zone

9. (1) The exclusive economic zone comprises those areas of the sea, sea-bed and subsoil that are beyond and adjacent to the territorial sea having as their outermost limits a line measured seaward from the baselines from which the territorial sea is measured, every point of which line is 200 nautical miles from the nearest point of the appropriate baseline.

(2) For the purposes of implementing any international agreement or otherwise, the Minister may by order published in the Gazette declare that the exclusive economic zone shall not extend to any specified area of the sea, sea-bed, or subsoil, that would otherwise be included within the exclusive economic zone by virtue of this section.

Vanuatu rights over continental shelf
and exclusive economic zone

10. With prejudice to sections 3, 7 and 8 Vanuatu has in the continental shelf and exclusive economic zone

(a) Sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) Exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;

(c) Exclusive jurisdiction to authorise, regulate and conduct scientific research;

(d) Exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) Such other rights as are recognised by international law or State practice.

PART 6 - MISCELLANEOUS

Restricted activities

11. Except in accordance with an agreement entered into with the Government of Vanuatu or under the authority of a license granted by the responsible Minister no person shall in relation to the continental shelf or exclusive economic zone:

(a) Explore or exploit any resources;

(b) Carry out any search, excavation or drilling operations;

(c) Conduct any research;

(d) Construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

Offences and penalties

12. (1) Any contravention of this Act, or of any order made hereunder, occurring within the archipelagic waters, territorial sea or exclusive economic zone shall be deemed to have occurred in Vanuatu.

(2) Where a contravention of this Act is triable in a Magistrate's Court it may be tried by any Senior Magistrate.

(3) Any person who contravenes this Act or any order made hereunder shall be liable on conviction to a fine not exceeding VT1,000,000 or to imprisonment for five years or both such fine and imprisonment.

Orders

13. Where no other provision is for the time being made by any other law for any such purposes, the Minister may by order

(a) Amend the schedule;

(b) Provide for the protection and preservation of the marine environment of the continental shelf archipelagic waters, the territorial sea and the exclusive economic zone;

(c) Regulate the conduct of foreign ships and aircraft in relation to the rights of navigation and overflight provided for in sections 6 and 15;

(d) Regulate the conduct of scientific research within the archipelagic waters, the territorial sea and the exclusive economic zone;

(e) Regulate the construction, operation and use of artificial islands (whether permanent or temporary), and other installations and structures in the archipelagic waters, and the territorial sea and the exclusive economic zone and establish safety zones around such islands, installations and structures;

(f) Regulate the exploration and exploitation of the archipelagic waters, the territorial sea and the exclusive economic zone for the production of energy from the water, currents and winds, and for any other economic purposes;

(g) Provide for such other matters as may be required for giving full effect to the sovereignty of Vanuatu in relation to the archipelagic waters, the territorial sea and the exclusive economic zone;

(h) Provide otherwise for the better carrying out of the provisions of this Act and for its due administration.

PART 7 - TRANSITIONAL AND COMMENCEMENT

Extension of laws to continental shelf and exclusive economic zone

14. The President may, on the advice of the Prime Minister, by order published in the Gazette

(a) Extend with such restrictions and modifications as may be included in such order any law of Vanuatu to the continental shelf, the exclusive economic zone or any part of them;

(b) Make provision for enforcing such law.

Interim provision for sea lanes and air routes

15. Until such time as sea lanes or air routes are designated under the provisions of section 6 (2) or any other law, rights of navigation and overflight may, subject to the provisions of this Act or any other law, be exercised through and over the routes normally used for international navigation and overflight.

Commencement

16. This Act shall come into force on such day as the Minister may appoint by Order published in the Gazette and the Minister may appoint different days for different provisions and any reference in any provision to the commencement of this Act shall be construed as a reference to the day appointed under this section for the coming into force of that provision.

SCHEDULE

(Section 4)

ARCHIPELAGIC BASELINE

An archipelagic baseline commencing at the outermost point of the low water line on the Reef off Hiu Island co-ordinate 13° 04' 18" south 166° 32' 13".8 east, British Admiralty Chart No. 1575 and, except where the contrary intention appears, following the geodesic lines successively linking the outermost points on the low water lines of the land areas specified below:

<u>Point</u>	<u>Land area</u>	<u>Co-ordinates</u>		<u>British Admiralty Chart Number*</u>
		<u>South</u>	<u>East</u>	
1)	Vat Ganai Island	13° 15' 10".8	167° 38' 10".5	1575
2)	Vetvai Point on Motlav Island	13° 38' 46".8	167° 42' 25".5	1575
3)	Islet of Merolava Island	14° 26' 22".9	168° 04' 10".2	1575
4)	Treerock Point on Pentacost Island	15° 55' 38".4	168° 16' 32".5	1575
5)	Tangaraki Island	17° 00' 38".4	168° 38' 27"	1576
6)	Maniuuro Point of Efate Island	17° 41' 42"	168° 35' 10"	1576
7)	Goat Islet off Erromango	18° 42' 09".6	169° 17' 43".6	1575
8)	Reef off Futuna Island	19° 30' 42"	170° 13' 44".3	1576
9)	Masi Point on Futuna Island	19° 32' 37".7	170° 13' 44".3	1576
10)	Reef on Aneityum Island	20° 11' 45".6	169° 53' 42"	1576
and thence along the low-water line to point (11)				
11)	Flat rock off Anoityum Island	20° 15' 30"	169° 50' 42".9	1576
12)	Reef off Anoityum Island	20° 15' 58".2	169° 45' 25".9	1576
13)	Imlao on Tanna Island	19° 34' 51".6	169° 16' 42".6	1576
and thence along the low-water line to point (14)				
14)	West Point Tanna Islands	19° 27' 09"	169° 12' 39"	1576
15)	Ountovin Point on Erromango Island	18° 52' 51"	158° 59' 03".6	1576
16)	Tukutuku Point on Efate Island	17° 43' 09".6	168° 09' 02".4	1576
17)	Tomman Island	16° 35' 37".5	167° 27' 17".4	1575
18)	Reef off Santo	15° 39' 24".6	166° 45' 58".8	1575
19)	Remarkable Point on Santa Island	15° 24' 04".5	166° 38' 27"	1575
20)	Reef off Santo Island	14° 51' 06"	166° 32' 00".6	1575
21)	On NW coast of Santo	14° 44' 51".6	166° 32' 42".6	1575
22)	Thomeuf Point on Hiu Island	13° 10' 21"	166° 31' 58".5	1575
23)	On reef off Hiu Island	13° 04' 18"	166° 32' 13".8	1575

* The editions of charts referred to in the fifth column are:
1575 of 7 September 1979;
1576 of 24 November 1978.

II. DECLARATIONS ON MARITIME JURISDICTION AND COMMUNICATIONS
RELATED THERETO

1. CHILE

[Original: Spanish]

Declaration on Easter Island and Sala y Gomez Island:

Extension of undersea sovereignty, 15 September 1985

An official Ministry of Foreign Affairs statement to the international community sets new sovereign limits of 350 miles on the continental shelf and establishes the legal basis for its decision.

The Government of Chile has notified the international community of its decision to extend its sovereignty over the continental shelves of Easter Island and Sala y Gomez Island to 350 nautical miles.

The Ministry of Foreign Affairs yesterday issued the following official statement on the subject:

"Whereas:

- "1. On 23 June 1947 the President of Chile, Gabriel González Videla, in his official statement on maritime jurisdiction, on behalf of his Government confirmed and proclaimed national sovereignty over the entire continental shelf adjacent to the continental and insular coasts of the national territory, at whatever depth they lie, claiming thereby, all the natural wealth existing on said shelf, in it and below it, whether known or undiscovered.
- "2. The third paragraph of item 3 of the declaration on the maritime zone, signed on 18 August 1952 at the first conference on the conservation and exploitation of maritime wealth of the South Pacific, between the Governments of Chile, Ecuador and Peru, proclaimed that: 'the exclusive jurisdiction and sovereignty over the maritime zone indicated (up to a distance of 200 nautical miles) also include exclusive sovereignty and jurisdiction over the soil and subsoil thereof'.
- "3. Article 77, paragraph 1, of the 1982 United Nations Convention on the Law of the Sea, to which our country is a signatory, states that the coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.
- "4. Article 76, paragraph 6 of the above-mentioned Convention stipulates that 'notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured'.

"5. Under the terms of article 121 of the aforementioned Convention on the Law of the Sea, 'the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory'.

"It is hereby stated:

- "(1) That the Government of Chile, holder of sovereignty over Easter Island and Sala y Gomez Island in the Pacific Ocean, declares and communicates to the international community that its sovereignty over their respective shelves extends up to a distance of 350 nautical miles, measured from the baselines from which their respective territorial seas are measured.
- "(2) That the Government of Chile reserves its right to make, at the appropriate time, any declarations which it deems relevant regarding Chilean sovereignty over its other oceanic possessions."

2. ECUADOR

[Original: Spanish]

Declaration on the continental shelf, 19 September 1985

Leon Febres Cordero Ribadeneyra, Constitutional President of the Republic,
BEARING IN MIND:

That on the sea-bed lying between the continental territorial sea of Ecuador and the territorial sea which surrounds the Galápagos Islands, the Carnegie Ridge lies at depths of less than 2,500 metres;

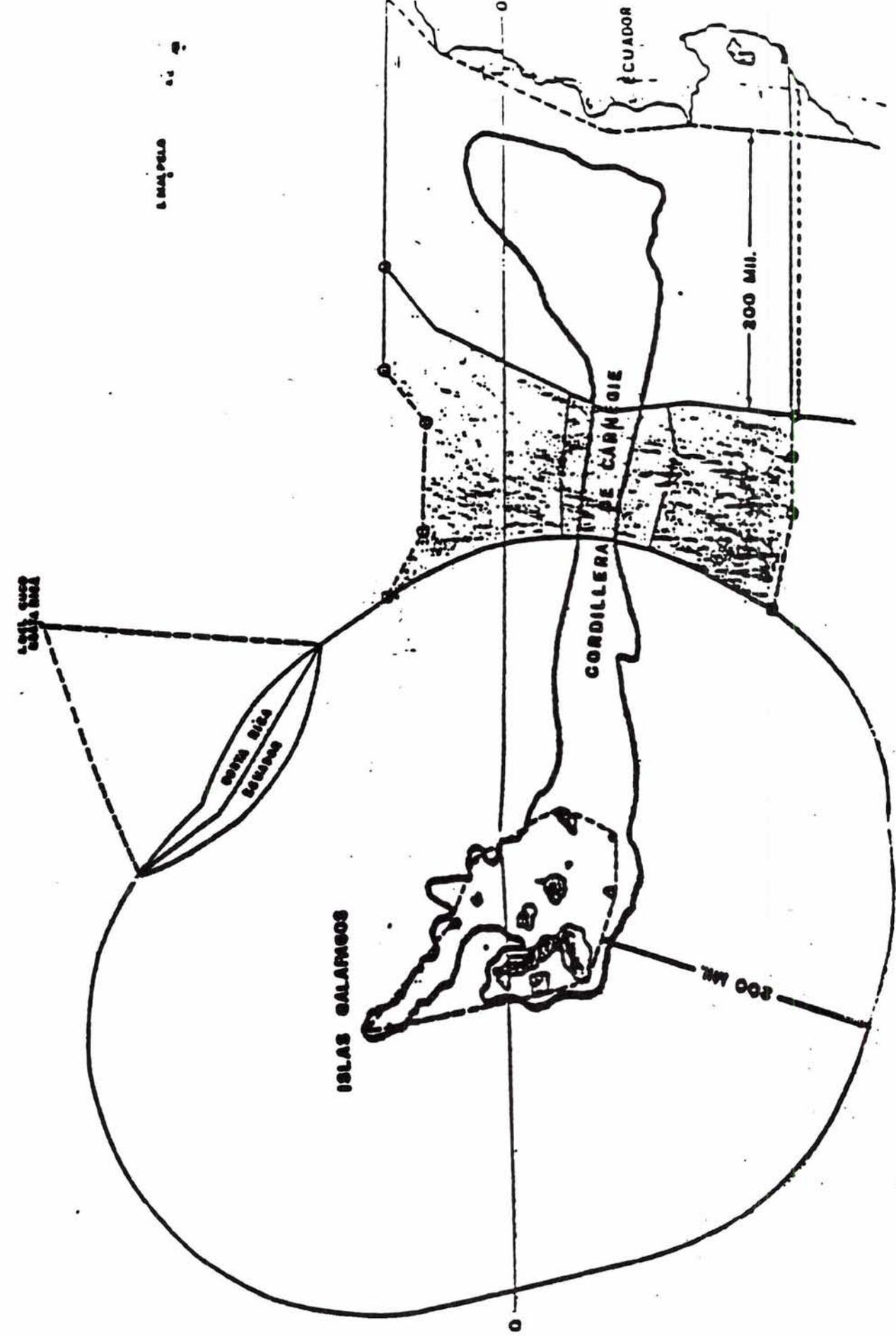
That scientific research has revealed the presence of significant natural resources existing in the sea-bed and subsoil of that marine area;

That the international law of the sea recognizes that the coastal States have the power to delineate the limits of their continental shelves up to a distance of 100 miles from the 2,500 metre isobath;

That the national Government has a duty to protect the sovereign rights of the Ecuadorian State over the continental shelf and its resources,

DECLARES:

That, in addition to the continental and insular shelf within its territorial sea of 200 miles, the sea-bed and subsoil located between Ecuador's continental territorial sea and its insular territorial sea around the Galápagos Islands, up to a distance of 100 miles measured from the 2,500 metre isobath, also form part of the continental shelf of Ecuador. The Ecuadorian authorities will therefore propose the appropriate legal reform to protect the sovereign rights of the Republic with respect to the above-mentioned continental shelf, consistent with further subsequent development of both national legislation and the principles of the international law of the sea accepted by Ecuador and the international community.



LA MALPUELA

3. UNITED STATES OF AMERICA

[Original: English]

Proclamation by the President of the United States of America on
the exclusive economic zone of the United States of America,
10 March 1983

WHEREAS the Government of the United States of America desires to facilitate the wise development and use of the oceans consistent with international law;

WHEREAS international law recognizes that, in a zone beyond its territory and adjacent to its territorial sea, known as the exclusive economic zone, a coastal State may assert certain sovereign rights over natural resources and related jurisdiction; and

WHEREAS the establishment of an exclusive economic zone by the United States will advance the development of ocean resources and promote the protection of the marine environment, while not affecting other lawful uses of the zone, including the freedoms of navigation and overflight, by other States;

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, do hereby proclaim the sovereign rights and jurisdiction of the United States of America and confirm also the rights and freedoms of all States within an exclusive economic zone, as described herein.

The exclusive economic zone of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and United States overseas Territories and possessions. The exclusive economic zone extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In cases where the maritime boundary with a neighboring State remains to be determined, the boundary of the exclusive economic zone shall be determined by the United States and other State concerned in accordance with equitable principles.

Within the exclusive economic zone, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the sea-bed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

This Proclamation does not change existing United States policies concerning the continental shelf, marine mammals and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction and require international agreements for effective management.

The United States will exercise these sovereign rights and jurisdiction in accordance with the rules of international law.

Without prejudice to the sovereign rights and jurisdiction of the United States, the exclusive economic zone remains an area beyond the territory and territorial sea of the United States in which all States enjoy the high seas freedoms of navigation, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the Sea.

IN WITNESS THEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

THE WHITE HOUSE

Office of the Press Secretary

STATEMENT BY THE PRESIDENT
DATED 10 MARCH 1983

The United States has long been a leader in developing customary and conventional law of the sea. Our objectives have consistently been to provide a legal order that will, among other things, facilitate peaceful, international uses of the oceans and provide for equitable and effective management and conservation of marine resources. The United States also recognizes that all nations have an interest in these issues.

Last July I announced that the United States will not sign the United Nations Law of the Sea Convention that was opened for signature on 10 December. We have taken this step because several major problems in the Convention's deep sea-bed mining provisions are contrary to the interests and principles of industrialized nations and would not help attain the aspirations of developing countries.

The United States does not stand alone in those concerns. Some important allies and friends have not signed the Convention. Even some signatory States have raised concerns about these problems.

However, the Convention also contains provisions with respect to traditional uses of the oceans which generally confirm existing maritime law and practice and fairly balance the interests of all States.

Today I am announcing three decisions to promote and protect the oceans interests of the United States in a manner consistent with those fair and balanced results in the Convention and international law.

First, the United States is prepared to accept and act in accordance with the balance of interests relating to traditional uses of the oceans -- such as navigation and overflight. In this respect, the United States will recognize the rights of other States in the waters off their coasts, as reflected in the Convention, so long as the rights and freedoms of the United States and others under international law are recognized by such coastal States.

Second, the United States will exercise and assert its navigation and overflight rights and freedoms on a world-wide basis in a manner that is consistent with the balance of interests reflected in the Convention. The United States will not, however, acquiesce in unilateral acts of other States designed to restrict the rights and freedoms of the international community in navigation and overflight and other related high seas uses.

Third, I am proclaiming today an exclusive economic zone in which the United States will exercise sovereign rights in living and non-living resources within 200 nautical miles of its coast. This will provide United States jurisdiction for mineral resources out to 200 nautical miles that are not on the continental shelf. Recently discovered deposits there could be an important future source of strategic minerals.

Within this zone all nations will continue to enjoy the high-seas rights and freedoms that are not resource-related, including the freedoms of navigation and overflight. My Proclamation does not change existing United States policies concerning the continental shelf, marine mammals and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction. The United States will continue efforts to achieve international agreements for the effective management of these species. The Proclamation also reinforces this Government's policy of promoting the United States fishing industry.

While international law provides for a right of jurisdiction over marine scientific research within such a zone, the Proclamation does not assert this right. I have elected not to do so because of the United States interest in encouraging marine scientific research and avoiding any unnecessary burdens. The United States will nevertheless recognize the right of other coastal States to exercise jurisdiction over marine scientific research within 200 nautical miles of their coasts, if that jurisdiction is exercised reasonably in a manner consistent with international law.

The exclusive economic zone established today will also enable the United States to take limited additional steps to protect the marine environment. In this connection, the United States will continue to work through the International Maritime Organization and other appropriate international organizations to develop uniform international measures for the protection of the marine environment while imposing no unreasonable burdens on commercial shipping.

The policy decisions I am announcing today will not affect the application of existing United States law concerning the high seas or existing authorities of any United States government agency.

In addition to the above policy steps, the United States will continue to work with other countries to develop a régime, free of unnecessary political and economic restraints, for mining deep sea-bed minerals beyond national jurisdiction. Deep sea-bed mining remains a lawful exercise of the freedom of the high seas open to all nations. The United States will continue to allow its firms to explore for and, when the market permits, exploit these resources.

The Administration looks forward to working with the Congress on legislation to implement these new policies.

Statement by the Group of Eastern European (Socialist) Countries in connection with the Proclamation issued on 10 March 1983 by the President of the United States of America concerning the establishment of the exclusive economic zone of the United States of America and his statement of the same date concerning United States oceans policy*

[Original: Russian]

Delivered on 8 April 1983 at a plenary meeting of the Preparatory Commission by the delegation of the Union of Soviet Socialist Republics as Chairman of the Group

The Group of Eastern European (Socialist States) at the first session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea considers it necessary to make the following statement with regard to the aforementioned Proclamation and statement issued by the President of the United States.

An analysis of these documents convincingly shows, first of all, that the United States is continuing to take a selective approach to the United Nations Convention on the Law of the Sea, despite the fact that such an approach was described as unlawful and was strongly condemned by an absolute majority of the States at the final session of the United Nations Conference on the Law of the Sea in December 1982. The United States is not only refusing to sign the Convention and to assume any obligations under it but is openly declaring that it does not recognize part XI of the Convention, which relates to the régime of the exploration and exploitation of sea-bed resources. At the same time, it is attempting to utilize individual provisions of the Convention in order to obtain unilateral advantages for itself.

Moreover, it is evident from the statement issued by the President of the United States that the United States intends, solely on the basis of its own unilateral actions and separate agreements with some of its allies, to continue its attempts to carry on in the international sea-bed area, in circumvention and violation of the Convention, activities clearly designed to appropriate its resources, which have been declared by the United Nations to be "the common heritage of mankind".

All of this indicates that the United States is continuing to violate the United Nations Convention on the Law of the Sea, which, as emphasized in its preamble, is of "historic significance" and "will contribute to the strengthening of peace, security, co-operation and friendly relations among all nations".

Thus, the United States is continuing to ignore the opinion of the overwhelming majority of States signatories to the Convention that such actions are illegal, an opinion which was reflected in the relevant statements made at the final session of the Third United Nations Conference on the Law of the Sea by the Group of 77, by the delegations of many countries and by the President of the Conference, who summed up the views of all the regional groups. The United States is also ignoring the resolution of the

* Previously issued as document LOS/PCN/6 of 11 April 1983.

United Nations General Assembly at its thirty-seventh session, in which it appeals to all States to "refrain from taking any action directed at undermining the Convention or defeating its object and purpose".

What is more, the aforementioned United States documents indicate that the United States struggle against the Convention is entering a new stage: whereas earlier the United States attempted to strike at individual portions of the Convention and thereby weaken it, today it is attacking the entire Convention. Obviously the United States Administration, in issuing its Proclamation and statement, is pursuing certain far-reaching objectives, namely, to obliterate the Convention and to replace it with a series of its own unilateral acts on the most important questions relating to the oceans and with separate agreements concluded with individual countries on those questions.

These actions of the United States are in fact a constituent part of the general foreign-policy line of the present United States Administration, which is aimed at obtaining unilateral advantages to the detriment of other countries' interests and at promoting opposition between States, confrontation and an aggravation of the international situation.

Sharing the view of the Group of 77, reaffirmed in that Group's Declaration of 24 March 1983, that States which do not recognize the Convention and refuse to assume obligations under it deprive themselves of the rights and privileges arising out of it, the Group of Eastern European (Socialist) States declares that it firmly condemns the unilateral actions of the United States which are reflected in the aforementioned Proclamation and statement issued by the President of the United States.

The Group of Eastern European (Socialist) States declares that responsibility for any arbitrary actions taken by the United States in circumvention of the United Nations Convention on the Law of the Sea and aimed at undermining it, at securing unilateral gains and advantages for the United States in matters relating to the oceans and at appropriating ocean resources rests entirely with the Government of the United States.

The Group of Eastern European (Socialist) Countries requests to have this statement circulated as an official document of the Preparatory Commission.

Statement made by the Soviet Government on 23 April 1983*

[Original: Russian]

The United States Administration has made a statement concerning its policy in matters relating to the use of the world's oceans and their resources.

In the statement the United States indicates that it still has no intention of signing the new United Nations Convention on the Law of the Sea and announces its intention of using its own discretion in matters relating to the resources of the world's oceans. In essence - and it is quite frank on this point - they would like to have a régime that would be free from any political and economic restrictions on the extraction of minerals from the sea-bed and ocean floor in areas not under the jurisdiction of any particular country.

Showing its disregard for the collective opinion of the overwhelming majority of States that participated in the elaboration of the Convention and have signed it, the present United States Administration openly proclaims that the United States monopolies will, in a wilful and uncontrolled fashion, appropriate the mineral and other resources of the world's oceans.

At the same time, the United States has proclaimed the establishment of an "exclusive economic zone", extending to a width of 200 nautical miles along the coast of the United States, within which it will exercise full ownership rights over the living and non-living resources of the sea.

The assertions in the statement to the effect that Washington will comply with individual articles of the Convention should not mislead anyone.

This is no more than an unseemly manoeuvre. While not signing the Convention and not assuming any of the obligations deriving from it, the United States nevertheless wishes, where this coincides with its own narrow interests, to take advantage of the rights and benefits conferred by the Convention on its signatories. It is thus disregarding the indisputable fact that the Convention is one and indivisible. It constitutes a carefully considered "package" of agreements on all the closely interrelated problems of the régime of the seas and the use of the living and mineral resources of the oceans. Any attempt arbitrarily to single out individual provisions of the Convention and reject others is incompatible with the legal order of the seas laid down in the Convention and is inimical to the legitimate interests of other States.

It is quite obvious that, having been one of the few States to refuse to sign the Convention, the United States is now doing everything it can to create a semblance of a legal justification for its unilateral acts and to attempt somehow or other to legitimize its totally unlawful claims on the world's oceans and their resources.

* Previously circulated as document A/38/175 dated 29 April 1983.

It is well known that during the many years of work of the United Nations Conference on the Law of the Sea, the United States of America made numerous attempts to obstruct the achievement of balanced compromises, and to bring about the establishment of a special régime for itself governing the world's oceans. Washington was guided by a single purpose - to grab as much as it could. These claims were rejected by the participants in the Conference.

The Convention, which has now been signed by more than 120 countries, takes account of the interest of all States and groups of States equally. It is also worth recalling that a number of its provisions are based on proposals originally put forward by the United States itself. But it is clear that for the present United States Administration it has become a general rule of conduct to cancel earlier agreements. For the benefit of the large United States monopolies which are seeking unlimited access to the resources of the sea, the United States Administration is trying to undermine the Convention and to impose its obstructionist approach on other States as well. It is certainly no accident that the decisions of the President of the United States were announced just as the Preparatory Commission, whose task it is to consider practical questions relating to the implementation of the provisions of the Convention concerning the use of the resources of the sea-bed, was beginning its work.

The actions of the present United States Administration are nothing but an attempt to create confusion in matters pertaining to the use of the seas and undermine the foundations of mutually beneficial co-operation between countries in this vitally important field of human activity; this cannot but cause serious concern to the majority of States. The Soviet Union shares that concern and, together with other countries, firmly repudiates the policy of arbitrary action which the United States of America would like to pursue in this field as in others.

Attention must also be drawn to the fact that while seeking special unwarranted privileges for itself in the world's oceans, the United States is also trying to strengthen its unlawful claims to island Trust Territories and thus to the seas surrounding them, which the United States monopolies have coveted for a long time.

The people in Washington will have to realize that their policy of boycotting and undermining the new comprehensive United Nations Convention on the Law of the Sea and of taking arbitrary action in connection with the resources of the sea-bed is in conflict with the interests of the overwhelming majority of States and is resolutely condemned by them. The legal order laid down in the Convention concerning the régime of the seas applies to all States, and this cannot and must not be disregarded by any State, including the United States.

4. VIET NAM

[Original: English]

Statement of 12 November 1982 by the Government of the Socialist Republic of Viet Nam on the territorial sea baseline of Viet Nam*

In implementing the provisions of paragraph 1 of the statement on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf issued by the Government of the Socialist Republic of Viet Nam on 12 May 1977 after being approved by the Standing Committee of the National Assembly of the Socialist Republic of Viet Nam,

The Government of the Socialist Republic of Viet Nam makes the following statement on the baseline from which the breadth of the territorial sea of Viet Nam shall be measured:

1) The baseline from which the territorial sea of the continental territory of Viet Nam shall be measured is constituted by straight lines connecting those points the co-ordinates of which are listed in the annex attached herewith.

2) The territorial sea baseline of Viet Nam which starts from point 0- the meeting point of the two baselines for measuring the breadth of the territorial sea of the Socialist Republic of Viet Nam and that of the People's Republic of Kampuchea, located in the sea on the line linking the Tho Chu Archipelago with Poulo Wai Island - and which ends at Con Co Island shall be drawn following the co-ordinates listed in the attached annex on the 1/100,000 scale charts published by the Vietnamese people's Navy prior to 1979.

3) The Gulf of Bac Bo (Tonkin Gulf) is a gulf situated between the Socialist Republic of Viet Nam and the People's Republic of China; the maritime frontier in the gulf between Viet Nam and China is delineated according to the 26 June 1887 convention on frontier boundary signed between France and the Qing Dynasty of China.

The part of the gulf appertaining to Viet Nam constitutes the historic waters and is subjected to the juridical régime of internal waters of the Socialist Republic of Viet Nam.

The baseline from Con Co Island to the mouth of the gulf will be defined following the settlement of the problem relating to the closing line of the gulf.

4) The baseline from measuring the breadth of the territorial sea of the Hoang Sa and Truong Sa Archipelagoes will be determined in a coming instrument in conformity with paragraph 5 of the 12 May 1977 statement of the Government of the Socialist Republic of Viet Nam.

5) The sea as lying behind the baseline and facing the coast or the islands of Viet Nam constitutes the internal waters of the Socialist Republic of Viet Nam.

6) The Government of the Socialist Republic of Viet Nam holds that all differences with countries concerned relating to different sea areas and the continental shelf will be settled through negotiations on the basis of mutual respect for each other's national independence and sovereignty in conformity with international law and practice.

* Previously circulated as document A/37/697 of 6 December 1982.

Annex

THE CO-ORDINATES OF THE POINTS ESTABLISHING THE STRAIGHT
BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA
OF VIET NAM IS MEASURED

POINTS	GEOGRAPHICAL DESCRIPTION	LATITUDE (N)	LONGITUDE (E)
0	On the south-western demarcation line of the historic waters of the Socialist Republic of Viet Nam and the People's Republic of Kampuchea		
A1	At the Island of Nhan, Tho Chu Archipelago, Kien Giang province	09° 15' 0	103° 27' 0
A2	At Da Le Island which is south-east of Hon Khoai Island, Minh Hai province	08° 22' 8	104° 52' 4
A3	At Tai Long Islet, Con Dao Islands, Con Dao Vung Tau administrative sector	08° 37' 8	106° 37' 5
A4	At Bong Lang Islet, Con Dao Islands	08° 38' 9	106° 40' 3
A5	At Bay Canh Islet, Con Dao Islands	08° 39' 7	106° 42' 1
A6	At Hon Hay Islet (Phu Qui group), Thuan Hai province	09° 58' 0	109° 05' 0
A7	At Hon Doi Islet, Thuan Hai province	12° 39' 0	109° 28' 0
A8	At Dai Lanh Cape, Phu Khanh province	12° 53' 8	109° 27' 2
A9	At Ong Can Islet, Phu Khanh province	13° 54' 0	109° 21' 0
A10	At Ly Son Island, Nghia Binh province	15° 23' 1	109° 09' 0
A11	At Con Co Island, Binh Tri Thien province	17° 10' 0	107° 20' 6

Statement by China*
28 November 1982

[Original: Chinese]

In its statement on the baseline of Viet Nam's territorial waters issued on 12 November 1982, the Vietnamese Government groundlessly declared that the boundary-delimitation convention signed between China and France in 1887 had defined the maritime boundary line in the Beibu Gulf, and even described China's Xisha Islands and Nansha Islands as Viet Nam's islands, announcing that baselines would be drawn for their territorial sea. This is a wilful distortion of the historical Sino-Vietnamese boundary-delimitation convention and a gross violation of China's sovereignty and territorial integrity.

It must be pointed out that the Sino-Vietnamese boundary-delimitation convention signed between China and France in 1887 did not in any way delimit the maritime area in the Beibu Gulf. Therefore, no maritime boundary line has ever existed in the sea of the Beibu Gulf. On 26 December 1973, the Vietnamese Government formally stated to the Chinese Government that "owing to the fact that Viet Nam has been in a state of war, the maritime area of the Beibu Gulf has so far not been delimited between the two countries." This clearly indicated that, originally, the Vietnamese Government also recognized the fact that China and Viet Nam had not delimited the Beibu Gulf.

The Government of the People's Republic of China hereby solemnly states that the so-called boundary line in the Beibu Gulf as asserted by the Vietnamese Government is illegal and null and void and reiterates that Xisha Islands and Nansha Islands are an inalienable part of China's sacred territory.

The Vietnamese Government's statement on the baseline of Viet Nam's territorial waters has fully revealed the expansionist designs of the Vietnamese authorities to appropriate a vast sea area of the Beibu Gulf and to encroach upon China's territory. It is also a deliberate new step to further aggravate Sino-Vietnamese relations. The Vietnamese authorities must bear full responsibility for all the serious consequences that may arise therefrom.

* Previously circulated as document A/37/682-S/15505 of 30 November 1982.

Note of France
5 December 1983

[Original: French]

The Permanent Representative of France to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the statement of 12 November 1982 by the Government of the Socialist Republic of Viet Nam concerning the straight baseline of Viet Nam's territorial sea, which has been circulated as an official document of the General Assembly under the symbol A/37/697.

The French Government is of the view that the drawing of the baseline of Viet Nam's territorial sea between points A1 and A7 is at variance with the well-established rules of international law applicable to the matter, as reflected in article 7 of the United Nations Convention on the Law of the Sea. Consequently, that segment of the baseline cannot be invoked vis-à-vis the French Government.

Moreover, the French Government is unaware of any title which would substantiate Viet Nam's claim that the part of the Gulf of Bac Bo (Gulf of Tonkin) under Viet Nam's jurisdiction constitutes historic waters.

The Permanent Representative of France takes this opportunity to renew to the Secretary-General of the United Nations the assurances of his highest consideration.

Statement by Thailand*
22 November 1985

[Original: English]

Statement by the Ministry of Foreign Affairs of Thailand on the
Vietnamese claims concerning the so-called historical waters
and the drawing of baselines

The Ministry of Foreign Affairs of Thailand refers to the following transaction and statements:

- (1) The so-called "Agreement of 7 July 1982 between the Government of the Socialist Republic of Viet Nam and the Government of the People's Republic of Kampuchea on the historical waters of Viet Nam and Kampuchea", which was announced on 8 July 1982 through the Viet Nam News Agency in Hanoi;
- (2) The statement of 12 November 1982 by the Government of the Socialist Republic of Viet Nam on the territorial sea baseline of Viet Nam, which was circulated as an official document of the General Assembly (A/37/697, dated 6 December 1982);
- (3) The statement of 5 June 1984 by the Government of the Socialist Republic of Viet Nam on the airspace of Viet Nam, which was circulated as an official document of the General Assembly (A/39/309, dated 21 June 1984).

The Government of Thailand has carefully examined the claims thus asserted in the above-mentioned agreement and statements, and wishes to state its positions with respect thereto as follows:

Regarding the claims to the so-called "historical waters", which purport to appropriate and subject certain sea areas in the Gulf of Thailand and in the Gulf of Tonkin (Gulf of Bac Bo) to the régime of internal waters, the Government of Thailand is of the view that such claims cannot be justified on the basis of the applicable principles and rules of international law.

Regarding the statement defining the baselines for measuring the breadth of the territorial sea and other maritime zones of Viet Nam, the Government of Thailand considers that the drawing of the baselines of Viet Nam's territorial sea between points 0 and A7 is at variance with the well-established rules of international law, as codified in article 4 of the Convention on the Territorial Sea and Contiguous Zone of 29 April 1958, and confirmed once again in article 7 of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, to which Viet Nam is a signatory.

* Previously circulated as document A/40/1033 of 12 December 1985.

In so far as the Vietnamese statement on the airspace of Viet Nam seeks to assert Vietnamese sovereignty over the so-called "historical waters" both in the Gulf of Thailand and in the Gulf of Tonkin, as well as over the waters enclosed within the said baselines, the Government of Thailand, consistent with its positions as stated above, feels bound to reject such claim as being contrary to international law.

Accordingly, the Government of Thailand reserves all its rights under international law in relation to the sea areas in question and the airspace above them.

Incidentally, in regard to the so-called agreement on the historical waters of Viet Nam and Kampuchea, the Government of Thailand wishes to reiterate that the so-called Government of the People's Republic of Kampuchea does not represent, and cannot be considered to represent, Kampuchea in any manner whatsoever, as only the Coalition Government of Democratic Kampuchea under the presidency of Samdech Norodom Sihanouk, which is the sole legitimate Government of Kampuchea overwhelmingly recognized in the United Nations, can represent Kampuchea. Therefore, any agreement or declaration which purports to be concluded or made by the so-called Government of the People's Republic of Kampuchea is utterly devoid of any legal effect.

III. TREATIES

1. CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION AND PROTOCOL CONCERNING CO-OPERATION IN COMBATING OIL SPILLS IN THE WIDER CARIBBEAN REGION, 24 MARCH 1983*

Convention for the Protection and Development of the
Marine Environment of the Wider Caribbean Region

[Original: English/French/
Spanish]

The Contracting Parties

Fully aware of the economic and social value of the marine environment, including coastal areas, of the wider Caribbean region,

Conscious of their responsibility to protect the marine environment of the wider Caribbean region for the benefit and enjoyment of present and future generations,

Recognizing the special hydrographic and ecological characteristics of the region and its vulnerability to pollution,

Recognizing further the threat to the marine environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the absence of sufficient integration of an environmental dimension into the development process,

Considering the protection of the ecosystems of the marine environment of the wider Caribbean region to be one of their principal objectives,

Realizing fully the need for co-operation amongst themselves and with competent international organizations in order to ensure co-ordinated and comprehensive development without environmental damage,

Recognizing the desirability of securing the wider acceptance of international marine pollution agreements already in existence,

Noting however, that, in spite of the progress already achieved, these agreements do not cover all aspects of environmental deterioration and do not entirely meet the special requirements of the wider Caribbean region,

Have agreed as follows:

Article 1

Convention area

1. This Convention shall apply to the wider Caribbean region, hereinafter referred to as "the Convention area" as defined in paragraph 1 of article 2.

* The Convention and the Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region have been reproduced from the texts provided by the United Nations Environment Programme.

2. Except as may be otherwise provided in any protocol to this Convention, the Convention area shall not include internal waters of the Contracting Parties.

Article 2

Definitions

For the purposes of this Convention:

1. The "Convention area" means the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30° north latitude and within 200 nautical miles of the Atlantic coasts of the States referred to in article 25 of the Convention.

2. "Organization" means the institution designated to carry out the functions enumerated in paragraph 1 of article 15.

Article 3

General provisions

1. The Contracting Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Convention area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and, through the Organization, to all signatories and Contracting Parties to this Convention.

2. This Convention and its protocols shall be construed in accordance with international law relating to their subject-matter. Nothing in this Convention or its protocols shall be deemed to affect obligations assumed by the Contracting Parties under agreements previously concluded.

3. Nothing in this Convention or its protocols shall prejudice the present or future claims or the legal views of any Contracting Party concerning the nature and extent of maritime jurisdiction.

Article 4

General obligations

1. The Contracting Parties shall, individually or jointly, take all appropriate measures in conformity with international law and in accordance with this Convention and those of its protocols in force to which they are parties to prevent, reduce and control pollution of the Convention area and to ensure sound environmental management, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.

2. The Contracting Parties shall, in taking the measures referred to in paragraph 1, ensure that the implementation of those measures does not cause pollution of the marine environment outside the Convention area.

3. The Contracting Parties shall co-operate in the formulation and adoption of protocols or other agreements to facilitate the effective implementation of this Convention.

4. The Contracting Parties shall take appropriate measures, in conformity with international law, for the effective discharge of the obligations prescribed in this Convention and its protocols and shall endeavour to harmonize their policies in this regard.

5. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations for the effective implementation of this Convention and its protocols. They shall assist each other in fulfilling their obligations under this Convention and its protocols.

Article 5

Pollution from ships

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by discharges from ships and, for this purpose, to ensure the effective implementation of the applicable international rules and standards established by the competent international organization.

Article 6

Pollution caused by dumping

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by dumping of wastes and other matter at sea from ships, aircraft or man-made structures at sea, and to ensure the effective implementation of the applicable international rules and standards.

Article 7

Pollution from land-based sources

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other sources on their territories.

Article 8

Pollution from sea-bed activities

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting directly or indirectly from exploration and exploitation of the sea-bed and its subsoil.

Article 9

Airborne pollution

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting from discharges into the atmosphere from activities under their jurisdiction.

Article 10

Specially protected areas

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species, in the Convention area. To this end, the Contracting Parties shall endeavour to establish protected areas. The establishment of such areas shall not affect the rights of other Contracting Parties and third States. In addition, the Contracting Parties shall exchange information concerning the administration and management of such areas.

Article 11

Co-operation in cases of emergency

1. The Contracting Parties shall co-operate in taking all necessary measures to respond to pollution emergencies in the Convention area, whatever the cause of such emergencies, and to control, reduce or eliminate pollution or the threat of pollution resulting therefrom. To this end, the Contracting Parties shall, individually and jointly, develop and promote contingency plans for responding to incidents involving pollution or the threat thereof in the Convention area.

2. When a Contracting Party becomes aware of cases in which the Convention area is in imminent danger of being polluted or has been polluted, it shall immediately notify other States likely to be affected by such pollution, as well as the competent international organizations. Furthermore, it shall inform, as soon as feasible, such other States and competent international organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

Article 12

Environmental impact assessment

1. As part of their environmental management policies the Contracting Parties undertake to develop technical and other guidelines to assist the planning of their major development projects in such a way as to prevent or minimize harmful impacts on the Convention area.

2. Each Contracting Party shall assess within its capabilities, or ensure the assessment of, the potential effects of such projects on the marine environment, particularly in coastal areas, so that appropriate measures may be taken to prevent any substantial pollution of, or significant and harmful changes to, the Convention area.

3. With respect to the assessments referred to in paragraph 2, each Contracting Party shall, with the assistance of the Organization when requested, develop procedures for the dissemination of information and may, where appropriate, invite other Contracting Parties which may be affected to consult with it and to submit comments.

Article 13

Scientific and technical co-operation

1. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organizations, in scientific research, monitoring and the exchange of data and other scientific information relating to the purposes of this Convention.
2. To this end, the Contracting Parties undertake to develop and co-ordinate their research and monitoring programmes relating to the Convention area and to ensure, in co-operation with the competent international and regional organizations, the necessary links between their research centres and institutes with a view to producing compatible results. With the aim of further protecting the Convention area, the Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring.
3. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organizations, in the provision to other Contracting Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention area, taking into account the special needs of the smaller island developing countries and territories.

Article 14

Liability and compensation

The Contracting Parties shall co-operate with a view to adopting appropriate rules and procedures, which are in conformity with international law, in the field of liability and compensation for damage resulting from pollution of the Convention area.

Article 15

Institutional arrangements

1. The Contracting Parties designate the United Nations Environment Programme to carry out the following secretariat functions:
 - (a) To prepare and convene the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;
 - (b) To transmit the information received in accordance with articles 3, 11 and 22;
 - (c) To perform the functions assigned to it by protocols to this Convention;
 - (d) To consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention, its protocols and annexes thereto;
 - (e) To co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;

- (f) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent.

2. Each Contracting Party shall designate an appropriate authority to serve as the channel of communication with the Organization for the purposes of this Convention and its protocols.

Article 16

Meetings of the Contracting Parties

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by the majority of the Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and its protocols and, in particular:

- (a) To assess periodically the state of the environment in the Convention area;
- (b) To consider the information submitted by the Contracting Parties under article 22;
- (c) To adopt, review and amend annexes to this Convention and to its protocols, in accordance with article 19;
- (d) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or its protocols in accordance with articles 17 and 18;
- (e) To establish working groups as required to consider any matters concerning this Convention and its protocols, and annexes thereto;
- (f) To consider co-operative activities to be undertaken within the framework of this Convention and its protocols, including their financial and institutional implications and to adopt decisions relating thereto;
- (g) To consider and undertake any other action that may be required for the achievement of the purposes of this Convention and its protocols.

Article 17

Adoption of protocols

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 3 of article 4.

2. If so requested by a majority of the Contracting Parties, the Organization shall convene a conference of plenipotentiaries for the purpose of adopting additional protocols to this Convention.

Article 18

Amendment of the Convention and its protocols

1. Any Contracting Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties.
2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties to the protocol concerned.
3. The text of any proposed amendment shall be communicated by the Organization to all Contracting Parties at least 90 days before the opening of the conference of plenipotentiaries.
4. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to the protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the protocol.
5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the date of receipt by the Depositary of the instruments of at least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Contracting Party on the thirtieth day after the date on which that Party deposits its instrument.
6. After entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to the Convention or such protocol shall become a Contracting Party to the Convention or protocol as amended.

Article 19

Annexes and amendments to annexes

1. Annexes to this Convention or to a protocol shall form an integral part of the Convention or, as the case may be, such protocol.
2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the adoption and entry into force of amendments to annexes to this Convention or to annexes to a protocol:
 - (a) Any Contracting Party may propose amendments to annexes to this Convention or to annexes to any protocol at a meeting convened pursuant to article 16;

- (b) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question present at the meeting referred to in article 16;
- (c) The Depository shall without delay communicate the amendments so adopted to all Contracting Parties to the Convention;
- (d) Any Contracting Party that is unable to accept an amendment to annexes to this Convention or to annexes to any protocol shall so notify the Depository in writing within 90 days from the date on which the amendment was adopted;
- (e) The Depository shall without delay notify all Contracting Parties of notifications received pursuant to the preceding subparagraph;
- (f) On expiry of the period referred to in subparagraph (d), the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph;
- (g) A Contracting Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party.

3. The adoption and entry into force of a new annex shall be subject to the same procedure as that for the adoption and entry into force of an amendment to an annex, provided that, if it entails an amendment to the Convention or to one of its protocols, the new annex shall not enter into force until such time as that amendment enters into force.

4. Any amendment to the Annex on Arbitration shall be proposed and adopted, and shall enter into force, in accordance with the procedures set out in article 18.

Article 20

Rules of procedure and financial rules

1. The Contracting Parties shall unanimously adopt rules of procedure for their meetings.

2. The Contracting Parties shall unanimously adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation under this Convention and under protocols to which they are parties.

Article 21

Special exercise of the right to vote

In their fields of competence, the regional economic integration organizations referred to in article 25 shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more protocols. Such organizations shall not exercise their right to vote if the member States concerned exercise theirs, and vice versa.

Article 22

Transmission of information

The Contracting Parties shall transmit to the Organization information on the measures adopted by them in the implementation of this Convention and of protocols to which they are parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 23

Settlement of disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Contracting Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement, except as may be otherwise provided in any protocol to this Convention, be submitted to arbitration under the conditions set out in the Annex on Arbitration. However, failure to reach common agreement on submission of the dispute to arbitration shall not absolve the Contracting Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. A Contracting Party may at any time declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any other Contracting Party accepting the same obligation, the application of the arbitration procedure set out in the Annex on Arbitration. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Contracting Parties.

Article 24

Relationship between the Convention and its protocols

1. No State or regional economic integration organization may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol to the Convention. No State or regional economic integration organization may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the Contracting Parties to the protocol concerned.

Article 25

Signature

This Convention and the Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall be open for signature at Cartagena de Indias on 24 March 1983 and at Bogota from 25 March 1983 to 23 March 1984 by States invited to participate in the Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region, held at Cartagena de Indias from 21 to 24 March 1983. They shall also be open for signature between the same dates by any regional economic integration organization exercising competence in fields covered by the Convention and that Protocol and having at least one member State which belongs to the wider Caribbean region, provided that such regional organization has been invited to participate in the Conference of Plenipotentiaries.

Article 26

Ratification, acceptance and approval

1. This Convention and its protocols shall be subject to ratification, acceptance or approval by States. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Republic of Colombia, which will assume the functions of Depositary.
2. This Convention and its protocols shall also be subject to ratification, acceptance or approval by the organizations referred to in article 25 having at least one member State a party to the Convention. In their instruments of ratification, acceptance or approval, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. Subsequently these organizations shall inform the Depositary of any substantial modification in the extent of their competence.

Article 27

Accession

1. This Convention and its protocols shall be open for accession by the States and organizations referred to in article 25 as from the day following the date on which the Convention or the protocol concerned is closed for signature.
2. After entry into force of this Convention and of any protocol, any State or regional economic integration organization not referred to in article 25 may accede to the Convention and to any protocol subject to prior approval by three fourths of the Contracting Parties to the Convention or the protocol concerned, provided that any such regional economic integration organization exercises competence in fields covered by the Convention and the relevant protocol and has at least one member State, belonging to the wider Caribbean region, that is a party to the Convention and the relevant protocol.

3. In their instruments of accession, the organizations referred to in paragraphs 1 and 2 shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.
4. Instruments of accession shall be deposited with the Depositary.

Article 28

Entry into force

1. This Convention and the Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance or approval of, or accession to, those agreements by the States referred to in article 25.
2. Any additional protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance, or approval of such protocol, or of accession thereto.
3. For the purposes of paragraphs 1 and 2, any instrument deposited by an organization referred to in article 25 shall not be counted as additional to that deposited by any member State of such organization.
4. Thereafter, this Convention and any protocol shall enter into force with respect to any State or organization referred to in article 25 or article 27 on the thirtieth day following the date of deposit of its instruments of ratification, acceptance, approval or accession.

Article 29

Denunciation

1. At any time after two years from the date of entry into force of this Convention with respect to a Contracting Party, that Contracting Party may denounce the Convention by giving written notification to the Depositary.
2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after two years from the date of entry into force of such protocol with respect to that Contracting Party, denounce the protocol by giving written notification to the Depositary.
3. Denunciation shall take effect on the ninetieth day after the date on which notification is received by the Depositary.
4. Any Contracting Party which denounces this Convention shall be considered as also having denounced any protocol to which it was a Contracting Party.
5. Any Contracting Party which, upon its denunciation of a protocol, is no longer a Contracting Party to any protocol to this Convention, shall be considered as also having denounced the Convention itself.

Article 30

Depositary

1. The Depositary shall inform the Signatories and the Contracting Parties, as well as the Organization, of:

- (a) The signature of this Convention and of its protocols, and the deposit of instruments of ratification, acceptance, approval or accession;
- (b) The date on which the Convention or any protocol will come into force for each Contracting Party;
- (c) Notification of any denunciation and the date on which it will take effect;
- (d) The amendments adopted with respect to the Convention or to any protocol, their acceptance by the Contracting Parties and the date of their entry into force;
- (e) All matters relating to new annexes and to the amendment of any annex;
- (f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and the relevant protocols, and of any modifications thereto.

2. The original of this Convention and of any protocol shall be deposited with the Depositary, the Government of the Republic of Colombia, which shall send certified copies thereof to the Signatories, the Contracting Parties, and the Organization.

3. As soon as the Convention and its protocols enter into force, the Depositary shall transmit a certified copy of the instrument concerned to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

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

DONE AT CARTAGENA DE INDIAS this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

Annex

ARBITRATION

Article 1

Unless the agreement referred to in article 23 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with articles 2 to 10 below.

Article 2

The claimant party shall notify the Organization that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of article 23 of the Convention. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. The Organization shall forward the information thus received to all Contracting Parties to the Convention or to the protocol concerned.

Article 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention and the protocol or protocols concerned.

2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Protocol Concerning Co-operation in Combating
Oil Spills in the Wider Caribbean Region

The Contracting Parties to this Protocol,

Being Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias on 24 March 1983,

Conscious that oil exploration, production and refining activities, as well as related marine transport, pose a threat of significant oil spills in the wider Caribbean region,

Aware that the islands of the region are particularly vulnerable, owing to the fragility of their ecosystems and the economic reliance of certain of them on the continuous utilization of their coastal areas, to damage resulting from significant oil pollution,

Recognizing that, in the event of an oil spill or the threat thereof, prompt and effective action should be taken, initially at the national level, to organize and co-ordinate prevention, mitigation and clean-up activities,

Recognizing further the importance of sound preparation, co-operation and mutual assistance in responding effectively to oil spills or the threat thereof,

Determined to avert, through the adoption of measures to prevent and combat pollution resulting from oil spills, damage to the marine environment, including coastal areas, of the wider Caribbean region,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Protocol:

1. "Wider Caribbean region" means the Convention area as defined in article 2 of the Convention and adjacent coastal areas.
2. "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.
3. "Related interests" means the interests of a Contracting Party directly affected or threatened and concerning, among others:
 - (a) Maritime, coastal, port or estuarine activities;
 - (b) The historical and tourist appeal of the area in question, including water sports and recreation;
 - (c) The health of the coastal population; and
 - (d) Fishing activities and the conservation of natural resources.

4. "Oil spill incident" means a discharge, or a significant threat of a discharge, of oil, however caused, of a magnitude that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating the threat.

5. "Organization" means the institution referred to in paragraph 3 of article 2 of the Convention.

6. "Regional Co-ordinating Unit" means the unit referred to in the Action Plan for the Caribbean Environment Programme.

Article 2

Application

This protocol applies to oil spill incidents which have resulted in, or which pose a significant threat of, pollution to the marine and coastal environment of the wider Caribbean region or which adversely affect the related interests of one or more of the Contracting Parties.

Article 3

General provisions

1. The Contracting Parties shall, within their capabilities, co-operate in taking all necessary measures, both preventive and remedial, for the protection of the marine and coastal environment of the wider Caribbean region, particularly the coastal areas of the islands of the region, from oil spill incidents.

2. The Contracting Parties shall, within their capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of responding to oil spill incidents and shall endeavour to reduce the risk thereof. Such means shall include the enactment, as necessary, of relevant legislation, the preparation of contingency plans, the identification and development of the capability to respond to an oil spill incident and the designation of an authority responsible for the implementation of this Protocol.

Article 4

Exchange of information

Each Contracting Party shall periodically exchange with the other Contracting Parties up-to-date information relating to its implementation of this Protocol, including the identity of the authorities responsible for such implementation, and information on their laws, regulations, institutions and operational procedures relating to the prevention of oil spill incidents and to the means of reducing and combating the harmful effects of oil spills.

Article 5

Communication of information concerning,
and reporting of, oil-spill incidents

1. Each Contracting Party shall establish appropriate procedures to ensure that information regarding oil spill incidents is reported as rapidly as possible, and shall, inter alia:
 - (a) Require its appropriate officials, masters of ships flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it any oil spill incident involving their ships or facilities;
 - (b) Request masters of all ships and pilots of all aircraft operating in the vicinity of its coasts to report to it any oil spill incident of which they are aware.
2. In the event of receiving a report regarding an oil spill incident, a Contracting Party shall immediately notify all other Contracting Parties whose interests are likely to be affected by such incident, as well as the flag State of any ship involved in it. The Contracting Party shall also inform the competent international organizations. Furthermore, as soon as feasible, it shall inform such Contracting Parties and competent international organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

Article 6

Mutual assistance

1. Each Contracting Party shall render assistance, within its capabilities, to other Contracting Parties which request assistance in responding to an oil spill incident within the framework of joint response action agreed between or among the requesting and assisting Contracting Parties.
2. Each Contracting Party shall, subject to its laws and regulations, facilitate the movement into, through and out of its territory of technical personnel, equipment and material necessary for responding to an oil spill incident.

Article 7

Operational measures

Each Contracting Party shall, within its capabilities, take steps including those outlined below in responding to an oil spill incident:

- (a) Make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;
- (b) Promptly communicate information concerning the incident pursuant to article 5;
- (c) Promptly determine its ability to take effective measures to respond to the incident and the assistance that might be required;
- (d) Consult as appropriate with other Contracting Parties concerned in the process of determining the necessary response to the incident;

- (e) Take the measures necessary to prevent, reduce or eliminate the effects of the incident, including monitoring of the situation.

Article 8

Subregional arrangements

1. With a view to facilitating the implementation of the provisions of this Protocol, and in particular articles 6 and 7, the Contracting Parties should conclude appropriate bilateral or multilateral subregional arrangements.
2. Contracting Parties to this Protocol which enter into such subregional arrangements shall notify the other Contracting Parties, as well as the Organization, of the conclusion and the content of such arrangements.

Article 9

Institutional arrangements

The Contracting Parties designate the Organization to carry out, through the Regional Co-ordinating Unit when established and in close co-operation with the International Maritime Organization, the following functions:

- (a) Assisting Contracting Parties, upon request, in the following areas:
 - (i) the preparation, periodic review and updating of the contingency plans referred to in paragraph 2 of article 3, with a view, *inter alia*, to promoting the compatibility of the plans of the Contracting Parties, and
 - (ii) publicizing training courses and programmes;
- (b) Assisting the Contracting Parties upon request, on a regional basis, in the following areas:
 - (i) the co-ordination of regional emergency response activities, and
 - (ii) the provision of a forum for discussion of such activities and related topics;
- (c) Establishing and maintaining liaison with:
 - (i) competent regional and international organizations, and
 - (ii) appropriate private entities conducting activities in the wider Caribbean region, including major oil producers, refiners, oil spill clean-up contractors and co-operatives, and oil transporters;
- (d) Maintaining a current inventory of emergency response equipment, materials and expertise available in the wider Caribbean region;
- (e) Disseminating information on the prevention and combating of oil spills;
- (f) Identifying or maintaining means for emergency response communications;

- (g) Encouraging research by the Contracting Parties, competent international organizations and appropriate private entities on oil spill-related matters, including the environmental impacts of oil spills and of oil spill control materials and techniques;
- (h) Assisting the Contracting Parties in the exchange of information pursuant to article 4; and
- (i) Preparing reports and carrying out other duties assigned to it by the Contracting Parties.

Article 10

Meetings of the Contracting Parties

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 16 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings as provided for in article 16 of the Convention.
2. It shall be the function of the meetings of the Contracting Parties:
 - (a) To review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;
 - (b) To consider means whereby regional co-operation could be extended to incidents involving hazardous substances other than oil; and
 - (c) To consider measures to improve co-operation under this Protocol including, in accordance with paragraph 2 (d) of article 16 of the Convention, possible amendments to this Protocol.

Article 11

Relationship between this Protocol and the Convention

1. The provisions of the Convention relating to its protocols shall apply to this Protocol.
2. The rules of procedure and the financial rules adopted pursuant to article 20 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE AT CARTAGENA DE INDIAS this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

Annex to the Protocol

On the basis of paragraph 2 (b) of article 10 of this Protocol, the Contracting Parties at their first meeting are committed to preparing, through an annex, the changes necessary to extend this Protocol to regional co-operation to combat spills of hazardous substances other than oil. Pending the preparation and entry into force of such annex, the Protocol shall be provisionally applied upon its entry into force to hazardous substances other than oil.

2. TREATY OF PEACE AND FRIENDSHIP BETWEEN ARGENTINA AND CHILE
18 OCTOBER 1984

[Original: Spanish]

"In the Name of Almighty God"

The Government of the Republic of Chile and the Government of the Argentine Republic,

Recalling that on the eighth of January in the year nineteen hundred seventy-nine they requested the Holy See to act as mediator in the dispute that had arisen in the southern zone, in order to guide them in the negotiations and help them to find a solution; and that they sought its valuable assistance for the purpose of fixing a line of delimitation that would determine the respective jurisdictions to the east and west of such a line, based on the end-point of the existing demarcation;

Convinced that it is the inescapable duty of both Governments to give expression to their peoples' aspirations toward peace;

Bearing in mind the Boundary Treaty of 1881, an unshakeable foundation of the relations between the Argentine Republic and the Republic of Chile, and the related complementary and explanatory instruments;

Reiterating the obligation always to resolve all their disputes by peaceful means and never to resort to the threat or the use of force in their mutual relations;

Prompted by the aim of enhancing economic co-operation and physical integration between their respective countries;

Taking into special consideration the "Mediator's proposal, suggestion and recommendations" of the twelfth of December, nineteen hundred and eighty;

Expressing thanks, on behalf of their peoples, to His Holiness Pope John Paul II for his enlightened efforts to achieve a settlement of the dispute and to strengthen friendship and understanding between the two Nations;

Have resolved to execute the following Treaty, which represents a compromise settlement:

Peace and friendship

Article 1

The High Contracting Parties, responding to the fundamental interests of their peoples, solemnly reassert their undertaking to preserve, strengthen and develop their bonds of unchanging peace and perpetual friendship.

The Parties shall hold periodic meetings of consultation at which they shall examine, in particular, any fact, event or situation that might possibly impair the harmony between them, shall seek to prevent any divergence between their viewpoints from giving rise to a dispute, and shall suggest or adopt measures aimed at maintaining and securing good relations between the two countries.

Article 2

The Parties confirm their obligation to refrain from resorting directly or indirectly to any manner of threat or use of force or from taking any other measure that might adversely affect harmony in any sector of their mutual relations.

They likewise confirm their undertaking always and exclusively to use peaceful means to settle any and all disputes, regardless of their nature, which for any reason may have arisen or may arise between them, in accordance with existing legal provisions.

Article 3

If a dispute should arise, the Parties shall take suitable measures for maintaining the best general conditions of coexistence in all areas of their relations and for preventing any aggravation or prolongation of the dispute.

Article 4

The Parties shall strive to settle any dispute between them by means of direct negotiations conducted in good faith and in a spirit of co-operation.

If, in the opinion of either or both of the Parties, direct negotiations should fail to produce a satisfactory result, either of the Parties may invite the other to submit the dispute to a means of peaceful settlement chosen by mutual consent.

Article 5

In the event that, within a period of four months from the invitation referred to in the foregoing article, the Parties should fail to reach agreement concerning another means of peaceful settlement and concerning the time-limits and other terms of its application, or in the event that, although such agreement has been reached, a settlement has not been achieved for any reason, the conciliation procedure stipulated in annex 1, chapter I, shall be applied.

Article 6

If either or both of the Parties should fail to agree to the terms of settlement proposed by the Conciliation Commission within the time-limit set by its Chairman, or if the conciliation procedure should prove unsuccessful for any reason, either or both of the Parties may submit the dispute to the arbitration procedure established in annex 1, chapter II.

This same procedure shall be applicable whenever, pursuant to article 4, the Parties select arbitration as and means of settling the dispute, unless they agree upon other rules.

Questions which have been the object of final settlements between the Parties may not be revived under this article. In such cases, arbitration shall be confined exclusively to such questions as may arise concerning the validity and interpretation of, and compliance with, such settlements.

Maritime delimitation

Article 7

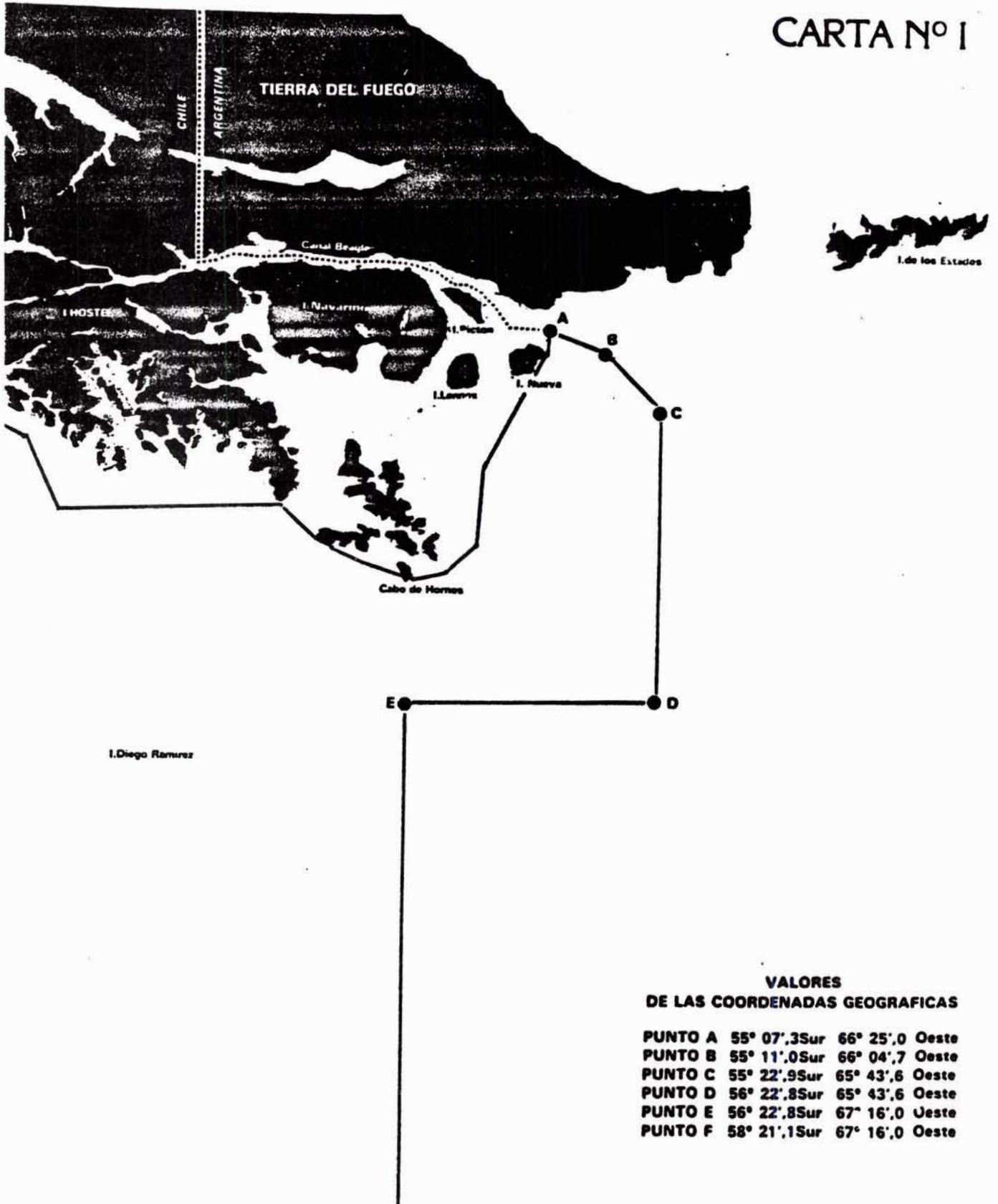
The boundary between the respective sovereignties over the sea, soil and subsoil of the Argentine Republic and the Republic of Chile in the Sea of the Southern Zone starting from the end of the existing delimitation in the Beagle Channel, namely, the point determined by the co-ordinates 55°07.3' south latitude and 66°25.0' west longitude, shall be the line joining the following points:

Starting from the point determined by the co-ordinates 55°07.3' south latitude and 66°25.0' west longitude (point A), the delimitation shall proceed in a south-westerly direction along a rhumb-line to a point situated between the coasts of Isla Nueva and Isla Grande de Tierra del Fuego, having the co-ordinates 55°11.0' south latitude and 66°04.7' west longitude (point B); from there it shall continue south-easterly at a forty-five-degree angle, measured at the said point B, and shall extend to a point having as its co-ordinates 55°22.9' south latitude and 65°43.6' west longitude (point C); it shall continue directly south along the said meridian as far as the parallel 56°22.8' south latitude (point D); from there it shall continue along this parallel, located twenty-four nautical miles to the south of the southernmost tip of Isla Hornos, in a westward direction until it intersects the meridian corresponding to the southernmost point of the said Isla Hornos at co-ordinates 56°22.8' south latitude and 67°16.0' west longitude (point E); whence the boundary shall continue southward to a point having the co-ordinates 58°21.1' south latitude and 67°16.0' west longitude (point F).

The maritime delimitation line described above is shown on the annexed map 1.

The exclusive economic zones of the Argentine Republic and the Republic of Chile shall extend respectively to the east and to the west of the boundary thus described.

CARTA Nº I



VALORES DE LAS COORDENADAS GEOGRAFICAS

PUNTO A	55° 07',3Sur	66° 25',0 Oeste
PUNTO B	55° 11',0Sur	66° 04',7 Oeste
PUNTO C	55° 22',9Sur	65° 43',6 Oeste
PUNTO D	56° 22',8Sur	65° 43',6 Oeste
PUNTO E	56° 22',8Sur	67° 16',0 Oeste
PUNTO F	58° 21',1Sur	67° 16',0 Oeste

To the south of the end-point of the boundary (point F) the exclusive economic zone of the Republic of Chile shall extend, to the distance permitted under international law, to the west of meridian 67°16.0' west longitude, bordering on the east with the open sea.

Article 8

The Parties agree that in the area comprised between Cape Horn and the easternmost point of Isla de los Estados the legal effects of territorial waters are limited, in their mutual relations, to a three-nautical-mile strip measured from their respective baselines.

Within the area indicated in the foregoing paragraph, each Party may invoke vis-à-vis third States the maximum width of territorial waters permitted under international law.

Article 9

The Parties agree to designate as "Sea of the Southern Zone" the maritime area delimited in the preceding two articles.

Article 10

The Argentine Republic and the Republic of Chile agree that at the eastern end of the Strait of Magellan, determined by Punta Dungeness in the north and Cabo del Espíritu Santo in the south, the boundary between their respective sovereignties shall be the straight line connecting the boundary marker formerly known as the Punta Dungeness Beacon, located at the end of the Strait of Magellan and boundary marker N° I on Cabo Espíritu Santo on Tierra del Fuego.

The line of delimitation described above is shown on the annexed map II.

The sovereignty of the Argentine Republic and the sovereignty of the Republic of Chile over the sea, soil and subsoil shall extend, respectively, to the east and to the west of the said boundary.

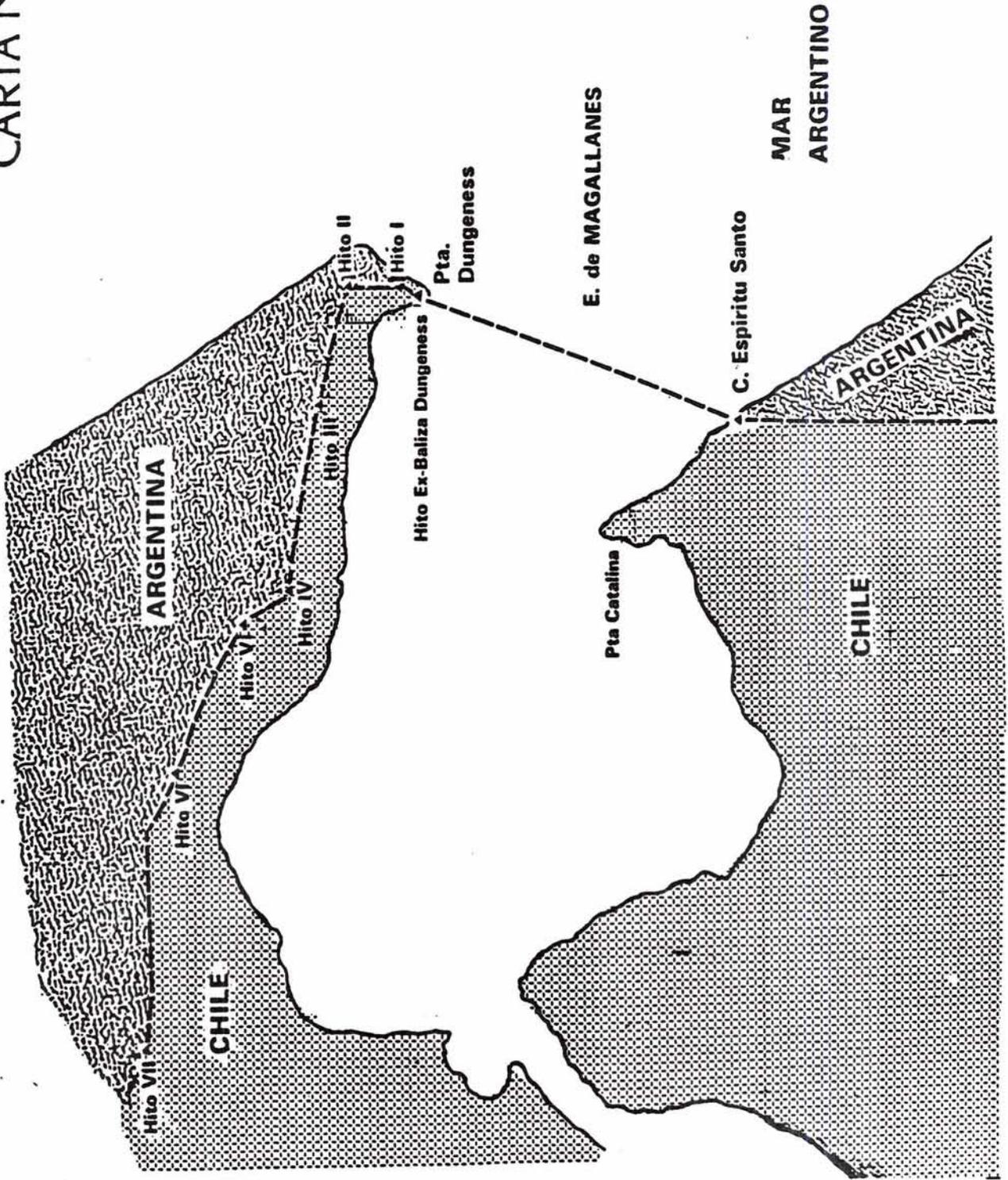
The delimitation herein agreed in no way alters what is laid down in the Boundary Treaty of 1881, whereby the Strait of Magellan is neutralized in perpetuity and unrestricted navigation in it is assured for the flags of all nations in accordance with the terms of its article V.

The Argentine Republic agrees to maintain, at any time and under any circumstances, the right of ships of all flags to sail freely and unimpeded through the waters under its jurisdiction to and from the Strait of Magellan.

Article 11

The Parties mutually recognize the straight baselines drawn by them in their respective territories.

CARTA Nº II



Economic co-operation and physical integration

Article 12

The Parties resolve to establish a Binational Commission of a permanent character, with a view to enhancing economic co-operation and physical integration. The Binational Commission shall be responsible for promoting and developing initiatives on the following subjects, among others: global system of ground communications, reciprocal improvements of ports and customs-free areas, land transport, aviation, electrical interconnections and telecommunications, development of natural resources, environmental protection and tourist facilities.

Within six months from the entry into force of this Treaty the Parties shall set up the Binational Commission and establish its rules of procedure.

Article 13

The Republic of Chile, in exercise of its sovereign rights, grants to the Argentine Republic the navigation facilities specified in annex N° 2, articles 1 to 9.

The Republic of Chile declares that ships of third-party registries may navigate unimpeded along the routes indicated in annex N° 2, articles 1 to 8, provided that they shall be subject to the relevant Chilean regulations.

Both Parties agree to the rules of navigation and pilotage in the Beagle Channel specified in the said annex N° 2, articles 11 to 16.

The provisions on navigation in the southern zone contained in this Treaty supersede any prior agreement thereon that may exist between the Parties.

Final clauses

Article 14

The Parties solemnly declare that this Treaty constitutes the complete and definitive solution to the questions to which it pertains.

The boundaries set forth in this Treaty constitute the definitive and immovable border between the sovereignties of the Argentine Republic and the Republic of Chile.

The Parties undertake not to present claims or interpretations that are incompatible with what is established in this Treaty.

Article 15

Articles 1 to 6 of this Treaty shall be applicable in the Antarctic territory. The remaining provisions shall in no way affect, nor shall they be construed in such a way that they might affect, either directly or indirectly, the sovereignty, the rights or the legal positions of the Parties or the delimitations in Antarctica or in their adjacent maritime areas, including the soil and the subsoil.

Article 16

Welcoming the generous offer of the Holy Father, the High Contracting Parties place this Treaty under the moral protection of the Holy See.

Article 17

The following constitute integral parts of this Treaty:

- a) Annex 1 on conciliation and arbitration procedures, which consists of 41 articles;
- b) Annex 2 relating to navigation, which consists of 16 articles;
- c) The maps referred to in articles 7 and 10 of the Treaty and in annex 2, articles 1, 8 and 11.

References to this Treaty are to be understood as also made to its related annexes and maps.

Article 18

This Treaty is subject to ratification and shall enter into force on the date on which the instruments of ratification are exchanged.

Article 19

This Treaty shall be registered in conformity with Article 102 of the Charter of the United Nations.

ANNEX 1

Chapter 1

Conciliation procedure provided for under article 5 of the Treaty of Peace and Friendship

Article 1

Within a period of six months from the date on which this Treaty enters into force the Parties shall establish an Argentine-Chilean Permanent Conciliation Commission, hereinafter referred to as "the Commission."

The Commission shall be made up of three members. Each of the Parties shall designate a member, who may be chosen from among its nationals. The third member, who shall act as Chairman of the Commission, shall be elected by both Parties from among nationals of third-party States who are not in the service, and whose usual residence is not within the territory of either of them.

The members shall be appointed for a period of three years and may be re-elected. Either of the Parties may at any time replace the member designated by it. The third member may be replaced during his term of office by consent between the Parties.

Vacancies occurring as a result of death or for any other reason shall be filled in the same manner as the initial appointments, within a period of no more than three months.

If the appointment of the third member of the Commission cannot be made within the six-month period from the effective date of this Treaty or within three months after this office becomes vacant, as the case may be, either of the Parties may request the Holy See to make the appointment.

Article 2

In the situation provided for in article 5 of the Treaty of Peace and Friendship the dispute shall be submitted to the Commission in a written petition, either jointly or separately by the two Parties or by one of them, addressed to the Chairman of the Commission. The petition shall indicate the object of the dispute in summary form.

If the petition is not joint, the applicant Party shall immediately notify the other Party.

Article 3

In so far as possible, the written petition or petitions whereby the dispute is submitted to the Commission shall contain the designation of the delegate or delegates who are to represent the applicant Party or Parties on the Commission.

It shall be the responsibility of the Chairman of the Commission to request any Party that has not designated a delegate to do so promptly.

Article 4

When a dispute has been brought before the Commission, and solely for the purpose of such dispute, the Parties may, by mutual consent, designate two more members to join it. The Commission shall continue to be presided over by the previously designated third member.

Article 5

If, at the time when the dispute is brought before the Commission, any of the members designated by the Parties should not be in a position to participate fully in the conciliation proceedings, the Party in question shall replace him within the shortest possible time, solely for the purposes of the said conciliation.

At the request of either of the Parties, or on his own initiative, the Chairman may request the other Party to make such a replacement.

Should the Chairman of the Commission be unable to participate fully in the conciliation proceedings, the Parties must replace him by mutual consent, within the shortest possible time, with another person, solely for the purposes of the conciliation in question. If there is no agreement, either of the Parties may request the Holy See to effect the designation.

Article 6

Once he has received a petition, the Chairman shall fix the place and time for the first meeting and convene the members of the Commission and the delegates of the Parties.

At the first meeting the Commission shall appoint its Secretary, who shall not be a national of either of the Parties or be in the service of, or have a permanent residence in the territory of, either of them. The Secretary shall remain in office for the duration of the conciliation procedure.

At the same meeting the Commission shall determine the procedure to be followed in the conciliation. Unless otherwise agreed by the Parties, such procedure shall involve the hearing of full arguments on both sides.

Article 7

The Parties shall be represented on the Commission by their delegates; they may further secure the assistance of advisers and experts designated by them for this purpose and ask for such testimonies as they may see fit.

The Commission shall have the power to ask for explanations from the delegates, advisers and experts of the Parties and from such other persons as it may deem useful.

Article 8

The Commission shall meet in a place to be agreed upon between the Parties, and in the absence of such agreement, in the place designated by the Chairman.

Article 9

The Commission may recommend to the Parties measures aimed at preventing the dispute from being aggravated or conciliation from being made difficult.

Article 10

The Commission may not sit without all its members being present.

Unless otherwise agreed by the Parties, all decisions of the Commission shall be adopted by a majority vote of its members. The records shall not mention whether decisions were taken unanimously or by a majority vote.

Article 11

The Parties shall facilitate the work of the Commission and, to the greatest extent possible, shall provide it with all useful documents and information. In addition, they shall permit it to summon and hear witnesses or experts in their respective territories as well as carry out inspections at first hand.

Article 12

At the conclusion of the examination of the dispute the Commission shall endeavour to define the terms of a settlement acceptable to both Parties. For this purpose, the Commission may exchange views with the delegates of the Parties, whom it may hear either jointly or separately.

The terms proposed by the Commission shall only constitute recommendations submitted to the Parties for consideration with a view to facilitating a mutually acceptable settlement.

The terms of such settlement shall be communicated to the delegates of the Parties in writing by the Chairman, who shall request them to notify him, within a period fixed by him, whether or not the respective Governments accept the proposed settlement.

In making the notification the Chairman shall personally state the reasons which, in the opinion of the Commission, make it advisable for the Parties to accept the settlement.

If the dispute involves exclusively questions of fact, the Commission shall confine itself to the investigation thereof and shall record its conclusions in a document.

Article 13

If both Parties accept the settlement proposed by the Commission, there shall be drawn up a document recording the said settlement, signed by the Chairman, the Secretary of the Commission and the delegates. A copy of the document, signed by the Chairman and the Secretary, shall be sent to each of the Parties.

Article 14

If either or both of the Parties do not accept the proposed settlement and the Commission considers it superfluous to endeavour to obtain agreement on different terms of settlement, a document shall be drawn up, which shall be signed by the Chairman and the Secretary and in which it shall be stated, without reproducing the terms of the proposed settlement, that the Parties could not be conciliated.

Article 15

The proceedings of the Commission must be concluded within a period of six months from the day on which the dispute was brought before it, unless the Parties agree otherwise.

Article 16

No statement or communication by a delegate or a member of the Commission relating to the merits of the dispute shall be entered in the records of the meetings, unless the delegate or member from whom it emanates shall consent thereto. On the other hand, the written or oral testimony of experts and the reports of first-hand inspections and of statements by witnesses, shall be annexed to the records, unless the Commission shall otherwise decide.

Article 17

Certified copies of the records of the meetings and their related annexes shall be sent to the delegates of the Parties through the offices of the Secretary of the Commission, unless the Commission shall decide otherwise.

Article 18

The proceedings of the Commission shall not be public unless a decision to the contrary shall be taken by the Commission with the assent of both Parties.

Article 19

No admission or proposal formulated during the course of the conciliation proceedings, either by one of the Parties or by the Commission, may in any way prejudice or affect the rights or claims of either Party in the event that the conciliation procedure should prove unsuccessful. Similarly, acceptance by either Party of a proposed settlement formulated by the Commission in no way implies acceptance of the considerations of fact or of law on which such settlement might be based.

Article 20

Once the proceedings of the Commission are terminated, the Parties shall consider whether to authorize the total or partial publication of the related documentation. The Commission may make a recommendation to them in this connection.

Article 21

During the proceedings of the Commission each of its members shall receive monetary compensation, the amount of which shall be fixed by joint agreement between the Parties, which shall each pay half the cost thereof.

Each of the Parties shall defray its own costs and half the joint expenses of the Commission.

Article 22

At the conclusion of the conciliation procedure, the Chairman of the Commission shall deposit all the documentation relating to it in the archives of the Holy See, the confidential character of such documentation being maintained, within the limits set forth in articles 18 and 20 of this annex.

Chapter II

Arbitration procedure provided for under article 6 of the
Treaty of Peace and Friendship

Article 23

The Party intending to resort to arbitration shall notify the other Party thereof in writing. In the same communication it shall request the establishment of the Arbitration Tribunal, indicate in summary form the matter in dispute, mention the name of the arbitrator selected by it to be part of the Tribunal, and invite the other Party to execute an arbitration agreement or undertaking.

The Party thus notified must co-operate in the establishment of the Tribunal and in the execution of the undertaking.

Article 24

Subject to an agreement to the contrary by the Parties, the Arbitration Tribunal shall be made up of five members designated in their personal capacity. Each of the Parties shall designate one member, who may be one of its nationals. The other three members, one of whom shall be Chairman of the Tribunal, shall be elected by mutual consent from among nationals of third States. These three arbitrators must be of different nationalities and must not be in the service of, or have their usual place of residence within the territory of, either of the Parties.

Article 25

If all the members of the Arbitration Tribunal have not been designated within a period of three months from the receipt of the communication provided for in article 23, the designation of the members to be appointed shall be made by the Government of the Swiss Confederation at the request of either of the Parties.

The Chairman of the Tribunal shall be designated by mutual consent of the Parties within the time-limit stated in the foregoing paragraph. In the absence of agreement, such designation shall be made by the Government of the Swiss Confederation at the request of either of the Parties.

Once all the members have been appointed, the Chairman shall convene them to a meeting for the purpose of declaring the Tribunal established and adopting such other agreements as may be necessary for its operation. The meeting shall be held in the place, on the day and at the hour indicated by the Chairman, and the provisions of article 34 of this annex shall be applicable to it.

Article 26

Vacancies occurring as a result of death, resignation or any other cause shall be filled in the following manner:

If the vacancy pertains to a member of the Tribunal designated by one Party only, that Party shall fill it within the shortest possible time, and in any event within a period of thirty days from the date on which the other Party shall have invited it in writing to do so.

If the vacancy pertains to one of the members of the Tribunal designated by mutual consent, the vacancy shall be filled within a period of sixty days from the date on which one of the Parties shall have invited the other in writing to do so.

If within the time-limits specified in the foregoing paragraphs the vacancies in question have not been filled, either of the Parties may request the Government of the Swiss Confederation to do so.

Article 27

In the event that the undertaking to submit the dispute to the Arbitration Tribunal is not executed within a period of three months from the date of the establishment of the Tribunal, either of the Parties may submit the dispute to it by means of a written petition.

Article 28

The Tribunal shall adopt its own rules of procedure, without prejudice to such rules as the Parties may have agreed on in the undertaking.

Article 29

The Arbitration Tribunal shall have the power to interpret the undertaking and to rule on its own competence.

Article 30

The Parties shall co-operate in the work of the Arbitration Tribunal and shall provide it with all useful documents, facilities and information. In addition, they shall permit it to summon and hear witnesses or experts in their respective territories as well as to carry out inspections at first hand.

Article 31

The Arbitration Tribunal shall have the power to order provisional measures aimed at safeguarding the rights of the Parties.

Article 32

Should either of the Parties to the dispute fail to appear before the Tribunal or abstain from defending its case, the other Party may request the Tribunal continue the proceedings and pronounce its decision. The fact that either of the Parties is absent or fails to appear shall not prevent the Tribunal from proceeding with the case or pronouncing a decision.

Article 33

The Arbitration Tribunal shall decide the case in accordance with international law, unless the Parties shall have provided otherwise in the arbitration undertaking.

Article 34

Decisions of the Arbitration Tribunal shall be adopted by a majority of its members. The absence or abstention of one or two of its members shall not prevent the Tribunal from sitting or reaching a decision. In the case of a tie, the Chairman's vote shall be decisive.

Article 35

The decision of the Tribunal shall contain a statement of the reasons therefor. It shall mention the names of the members of the Arbitration Tribunal who took part in its adoption and the date on which it was pronounced. Every member of the Tribunal shall have the right to have his or her separate or dissenting opinion added to the decision.

Article 36

The decision shall be binding on the Parties, final and inappellable. Compliance with it is entrusted to the honour of the signatory nations of the Treaty of Peace and Friendship.

Article 37

The decision shall be executed without delay in such a manner and within such time-limits as the Tribunal shall indicate.

Article 38

The Tribunal shall continue to remain in operation until such time as it shall declare that, in its opinion, the decision has been materially and fully executed.

Article 39

Unless otherwise agreed by the Parties, disagreements arising between the Parties over the interpretation or the manner of execution of the arbitral decision may be submitted by either of the Parties, for settlement, to the Tribunal which pronounced it.

For this purpose, any vacancy occurring in the Tribunal shall be filled in the manner laid down in article 26 of this annex.

Article 40

Either of the Parties may request the reconsideration of the decision by the Tribunal which pronounced it, provided that such a request is presented before the expiration of the time-limit set for its execution, and in the following cases:

1. If a decision has been pronounced on the basis of spurious or adulterated document.

2. If the award was wholly or partly the consequence of an error of fact, as it appears from the proceedings or documents of the case.

For this purpose, any vacancy occurring in the Tribunal shall be filled in the manner laid down in article 26 of this annex.

Article 41

Each member of the Arbitration Tribunal shall receive monetary compensation, the amount of which shall be fixed by joint agreement between the Parties, which shall each pay half the cost thereof.

Each of the Parties shall defray its own costs and half the joint expenses of the Tribunal.

ANNEX 2

Navigation

Navigation between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa

Article 1

For maritime traffic between the Strait of Magellan and Argentine ports in the Beagle Channel and vice versa, via Chilean inland waters, Argentine vessels shall enjoy navigation facilities solely for passage along the following route:

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

The description of the said route is indicated on attached map III.

Article 2

Passage shall take place with a Chilean pilot, who shall serve as technical adviser to the Commander or Captain of the vessel.

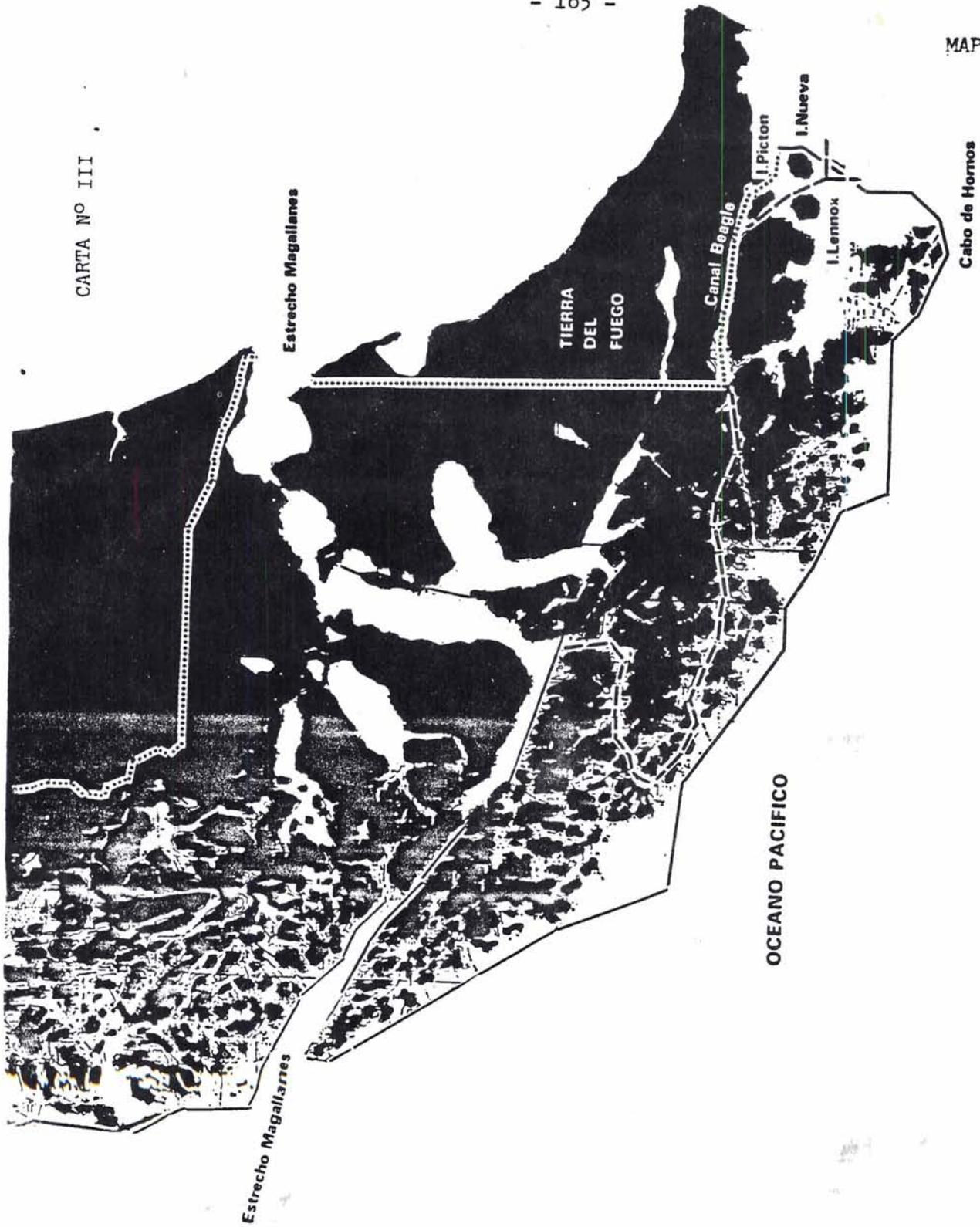
For the timely designation and embarkation of the pilot, the Argentine authority shall communicate the date on which the vessel is to begin navigation to the Commander-in-Chief of the Chilean Third Naval Zone no less than forty-eight hours in advance.

The pilot shall exercise his functions between the point having as its geographical co-ordinates 54°02.8' south latitude and 70°54.9' west longitude and the meridian 68°36'38.5" west longitude in the Beagle Channel.

In navigation from or to the eastern mouth of the Strait of Magellan the pilot shall board or leave the vessel at the Bahía Posesión Pilot Station in the Strait of Magellan. In navigation to or from the western mouth of the Strait of Magellan, he shall embark or disembark at the corresponding point indicated in the foregoing paragraph. He shall be conducted to and from the aforementioned points by a Chilean means of transport.

In navigation from or to Argentine ports in the Beagle Channel, the pilot shall board or leave the ship at Ushuaia, and he shall be conducted from Puerto Williams to Ushuaia or from the latter port to Puerto Williams by an Argentine means of transport.

CARTA Nº III



Estrecho Magallanes

Estrecho Magallanes

TIERRA DEL FUEGO

Canal Beagle

I. Picton

I. Nueva

I. Lennox

OCEANO PACIFICO

Cabo de Hornos

I.D Ramirez

Merchant vessels must pay the pilotage charges established in the Tariff Regulations of the Dirección General del Territorio Marítimo y de Marina Mercante of Chile.

Article 3

The passage of Argentine vessels shall take place in a continuous, uninterrupted manner. In the event that a vessel is stopped or drops anchor owing to force majeure on the route indicated in article 1, the Commander or Captain of the Argentine vessel shall report the fact to the nearest Chilean naval authority.

Article 4

In cases for which no provision is made in this Treaty, Argentine vessels shall be subject to the rules of international law. During passage, such ships shall refrain from any activity not directly connected with the passage, such as the following: exercises or practice with arms of any type; launching, landing or reception of aircraft or military devices on board; embarkation or disembarkation of persons; fishing activities; investigations; hydrographic surveys; and such activities as might disturb the security or the communication systems of the Republic of Chile.

Article 5

Submarines and any other submersible vehicles must navigate on the surface. All ships shall sail with lights on and with flag flying.

Article 6

The Republic of Chile may temporarily suspend the passage of ships in the event of a hindrance to navigation owing to force majeure and solely for the duration of such hindrance. Such suspension shall become effective as soon as the Argentine authority shall have been notified thereof.

Article 7

The number of Argentine warships sailing on the route described in article 1 may not exceed three at any one time. Vessels may not carry landing units aboard.

Navigation between Argentine ports in the Beagle Channel and Antarctica and vice versa; or between Argentine ports in the Beagle Channel and the Argentine exclusive economic zone adjacent to the maritime boundary between the Republic of Chile and the Argentine Republic and vice versa

Article 8

For maritime traffic between Argentine ports in the Beagle Channel and Antarctica and vice versa, or between Argentine ports in the Beagle Channel and the Argentine exclusive economic zone adjacent to the maritime boundary between the Republic of Chile and the Argentine Republic and vice versa, Argentine vessels shall enjoy navigation facilities for passage through Chilean inland waters exclusively via the following route:

Picton and Richmond passages (pasos), then, starting from the point defined by the co-ordinates 55°21.0' south latitude and 66°41.0' west longitude, following the general direction of the arc comprised between 090° and 180° true bearing, emerging into the Chilean territorial sea; or crossing the Chilean territorial sea in the general direction of the arc comprised between 270° and 000° true bearing, and continuing through the Richmond and Picton passages.

Such passage shall take place without any Chilean pilot or notice.

The description of the said route is indicated on the attached map III.

Article 9

The provisions contained in articles 3, 4 and 5 of this annex shall apply to passage via the route indicated in the foregoing article.

Navigation towards and from the north through the Estrecho de Le Maire

Article 10

For maritime traffic toward and from the north via the Estrecho de Le Maire, Chilean vessels shall enjoy navigation facilities for passage through this strait without any Argentine pilot and without notice.

The provisions contained in articles 3, 4 and 5 of this annex shall be applicable, mutatis mutandis, to passage via this route.

Rules of navigation and pilotage in the Beagle Channel

Article 11

Within the Beagle Channel, on both sides of the existing boundary between the meridian 68°36'38.5" west longitude and the meridian 66°25.0' west longitude, as indicated on the attached map IV, there shall be established rules of navigation and pilotage as defined in the following articles.

Articles 12

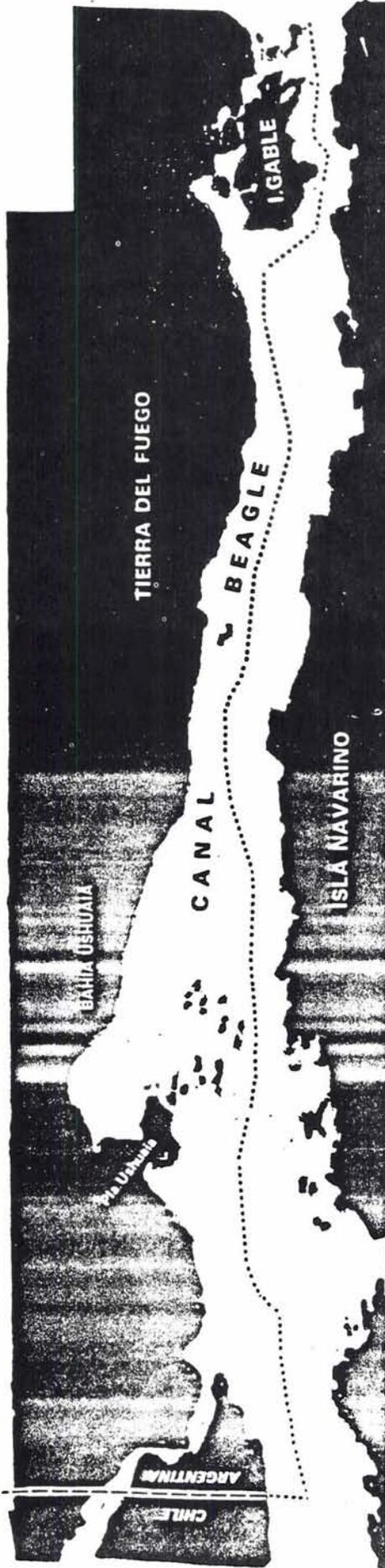
The Parties agree to unrestricted navigation for Chilean and Argentine vessels within the area of water indicated in the foregoing article.

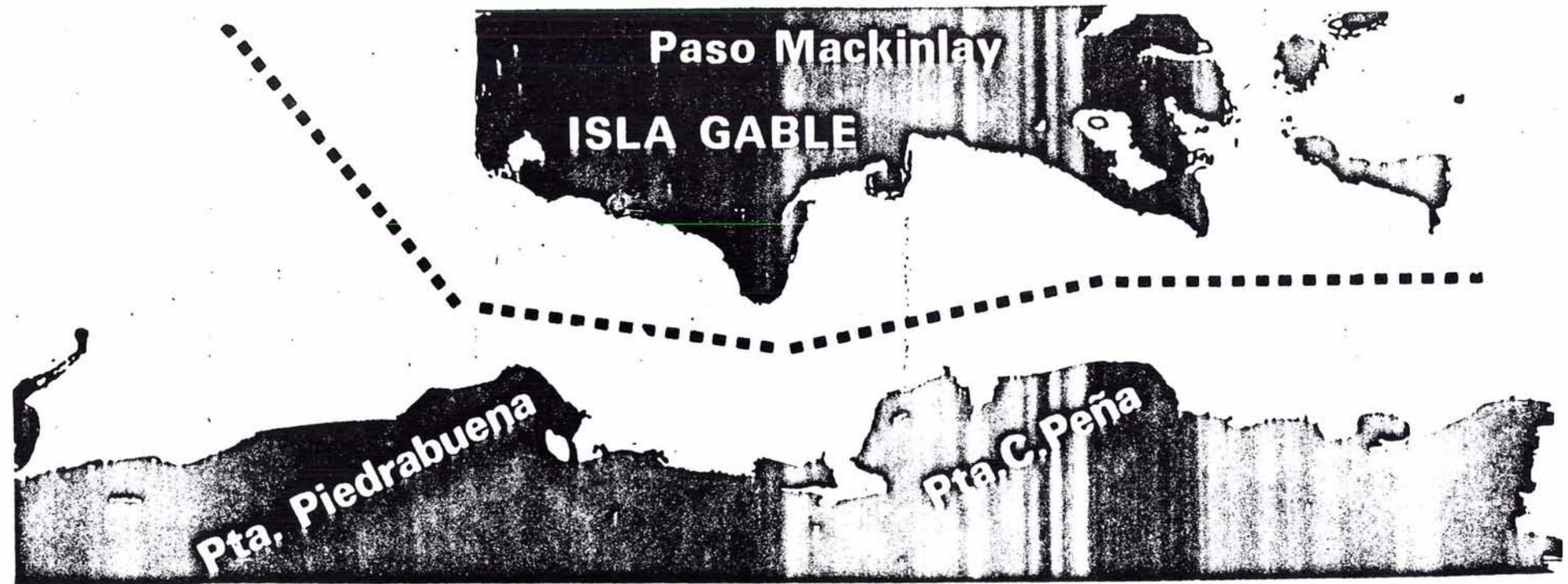
Within the stated area of water merchant ships of third-party registry shall enjoy the right of passage, provided that they shall be subject to the rules established in this annex.

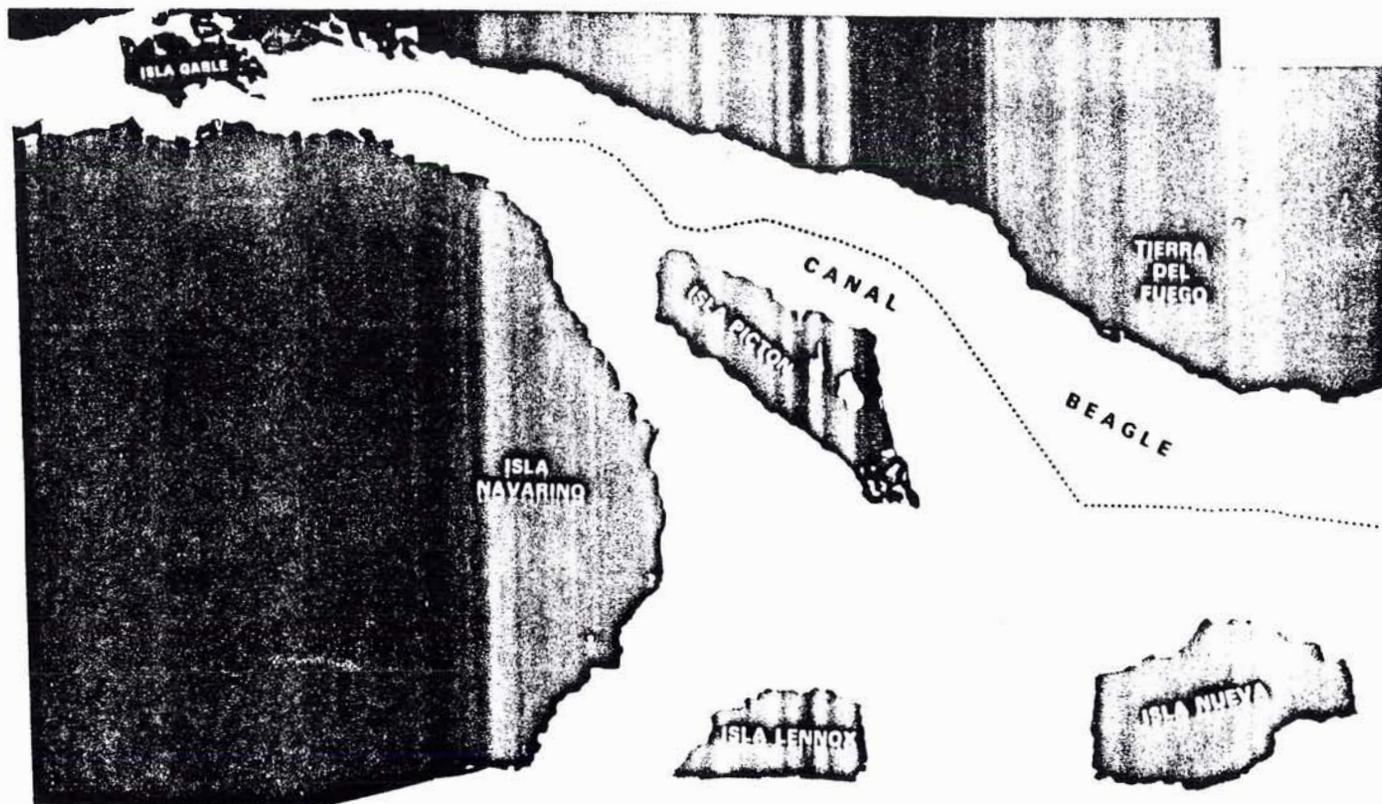
Article 13

Warships of third-party flags heading for a port of either of the Parties located within the area indicated in article 11 of this annex must obtain prior authorization from the said Party, which shall notify the other of the arrival or departure of a foreign warship.

CARTA Nº IV, parte 1







Article 14

The Parties mutually undertake to provide aids to navigation in the zones under their respective jurisdictions within the area indicated in article 11 of this annex and to co-ordinate such aids between themselves so as to facilitate navigation and guarantee its security.

The usual routes of navigation shall at all times be kept clear of any and all obstacles and activities that might affect navigation.

The Parties shall agree upon traffic-regulating systems for the security of navigation in geographical areas where passage is difficult.

Article 15

Chilean and Argentine vessels shall not be required to take on pilots within the area indicated in article 11 of this annex.

Third-party-flag vessels sailing to or from a port located within the said area must comply with the rules of pilotage of the country of the port of destination or departure.

Whenever such vessels navigate between ports of the two Parties, they shall comply with the rules of pilotage of the Party of the port of departure and the rules of pilotage of the Party of the port of arrival.

Article 16

The Parties shall apply their own rules of pilotage in the ports located within their respective jurisdictions.

Vessels using pilots shall hoist the flag of the country whose rules are being applied.

Any vessel using pilotage services must pay the fees for such services as well as any other charges that may exist under the rules of the Party performing the pilotage.

The Parties shall afford pilots the maximum facilities in the performance of their task. Such pilots may freely disembark in the ports of either Party.

The Parties shall endeavour to establish concordant, uniform rules for pilotage.

3. SOUTH PACIFIC NUCLEAR-FREE ZONE TREATY,
6 AUGUST 1985

[Original: English]

PREAMBLE

The Parties to this Treaty,

United in their commitment to a world at peace;

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people;

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth;

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all;

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace;

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) 1/ in preventing the proliferation of nuclear weapons and in contributing to world security;

Noting in particular, that article VII of NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Noting that the prohibitions of emplantation and emplacement of nuclear weapons on the sea-bed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof 2/ apply in the South Pacific;

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water 3/ applies in the South Pacific;

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter;

1/ General Assembly resolution 2373 (XXII).

2/ General Assembly resolution 2660 (XXV).

3/ United Nations Treaty Series, Vol. 480, No. 6964, p. 43.

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear-free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communiqué of that meeting;

Have agreed as follows:

Article 1

Usage of terms

For the purposes of this Treaty and its Protocols:

(a) "South Pacific Nuclear-Free Zone" means the areas described in annex 1 as illustrated by the map attached to that annex;

(b) "Territory" means internal waters, territorial sea and archipelagic waters, the sea-bed and subsoil beneath, the land territory and the airspace above them;

(c) "Nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "Stationing" means emplantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

Article 2

Application of the Treaty

1. Except where otherwise specified, this Treaty and its protocols shall apply to territory within the South Pacific Nuclear-Free Zone.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas.

Article 3

Renunciation of nuclear explosive devices

Each Party undertakes:

(a) Not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear-Free Zone;

(b) Not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;

(c) Not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

Article 4

Peaceful nuclear activities

Each Party undertakes:

(a) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:

- (i) any non-nuclear-weapon State unless subject to the safeguards required by article III.1 of NPT, or
- (ii) any nuclear-weapon State unless subject to applicable safeguard agreements with the International Atomic Energy Agency (IAEA).

Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;

(b) To support the continued effectiveness of the international non-proliferation system based on NPT and the IAEA safeguards system.

Article 5

Prevention of stationing of nuclear explosive devices

1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.

2. Each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea-lane passage or transit passage of straits.

Article 6

Prevention of testing of nuclear explosive devices

Each Party undertakes:

- (a) To prevent in its territory the testing of any nuclear explosive device;
- (b) Not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

Article 7

Prevention of dumping

1. Each Party undertakes:

- (a) Not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear-Free Zone;
- (b) To prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;
- (c) Not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear-Free Zone;
- (d) To support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.

2. Paragraphs 1(a) and 1(b) of this article shall not apply to areas of the South Pacific Nuclear-Free Zone in respect of which such a Convention and Protocol have entered into force.

Article 8

Control system

1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.
2. The control system shall comprise:
 - (a) Reports and exchange of information as provided for in article 9;
 - (b) Consultations as provided for in article 10 and annex 4 (1);
 - (c) The application to peaceful nuclear activities of safeguards by IAEA as provided for in annex 2;
 - (d) A complaints procedure as provided for in annex 4.

Article 9

Reports and exchanges of information

1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.
2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.
3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under articles 8(2)(d) and 10 and annex 2(4).

Article 10

Consultations and review

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

Article 11

Amendment

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depositary of acceptance from all Parties.

Article 12

Signature and ratification

1. This Treaty shall be open for signature by any member of the South Pacific Forum.
2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depositary of this Treaty and its Protocols.
3. If a member of the South Pacific Forum whose territory is outside the South Pacific Nuclear-Free Zone becomes a Party to this Treaty, annex 1 shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear-Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

Article 13

Withdrawal

1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.
2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

Article 14

Reservations

This Treaty shall not be subject to reservations.

Article 15

Entry into force

1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.
2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

Article 16

Depositary functions

The depositary shall register this Treaty and its protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its protocols to all members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its protocols.

Annex 1

SOUTH PACIFIC NUCLEAR-FREE ZONE

A. The area bounded by a line:

- (1) Commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
- (2) Running thence northerly along that maritime boundary to its intersection by the outer limit of the exclusive economic zone of Papua New Guinea;
- (3) Thence generally north-easterly, easterly and south-easterly along that outer limit to its intersection by the Equator;
- (4) Thence east along the Equator to its intersection by the meridian of longitude 163 degrees east;
- (5) Thence north along that meridian to its intersection by the parallel of latitude 3 degrees north;
- (6) Thence east along that parallel to its intersection by the meridian of longitude 171 degrees east;
- (7) Thence north along that meridian to its intersection by the parallel of latitude 4 degrees north;
- (8) Thence east along that parallel to its intersection by the meridian of longitude 180 degrees east;
- (9) Thence south along that meridian to its intersection by the Equator;
- (10) Thence east along the Equator to its intersection by the meridian of longitude 165 degrees west;
- (11) Thence north along that meridian to its intersection by the parallel of latitude 5 degrees 30 minutes north;
- (12) Thence east along that parallel to its intersection by the meridian of longitude 154 degrees west;
- (13) Thence south along that meridian to its intersection by the Equator;
- (14) Thence east along the Equator to its intersection by the meridian of longitude 115 degrees west;
- (15) Thence south along that meridian to its intersection by the parallel of latitude 60 degrees south;

- (16) Thence west along that parallel to its intersection by the meridian of longitude 115 degrees east;
- (17) Thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
- (18) Thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of longitude 136 degrees 45 minutes east;
- (19) Thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes south, longitude 139 degrees 12 minutes east;
- (20) Thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;
- (21) Thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and
- (22) Thence generally northerly along that boundary to the point of commencement.

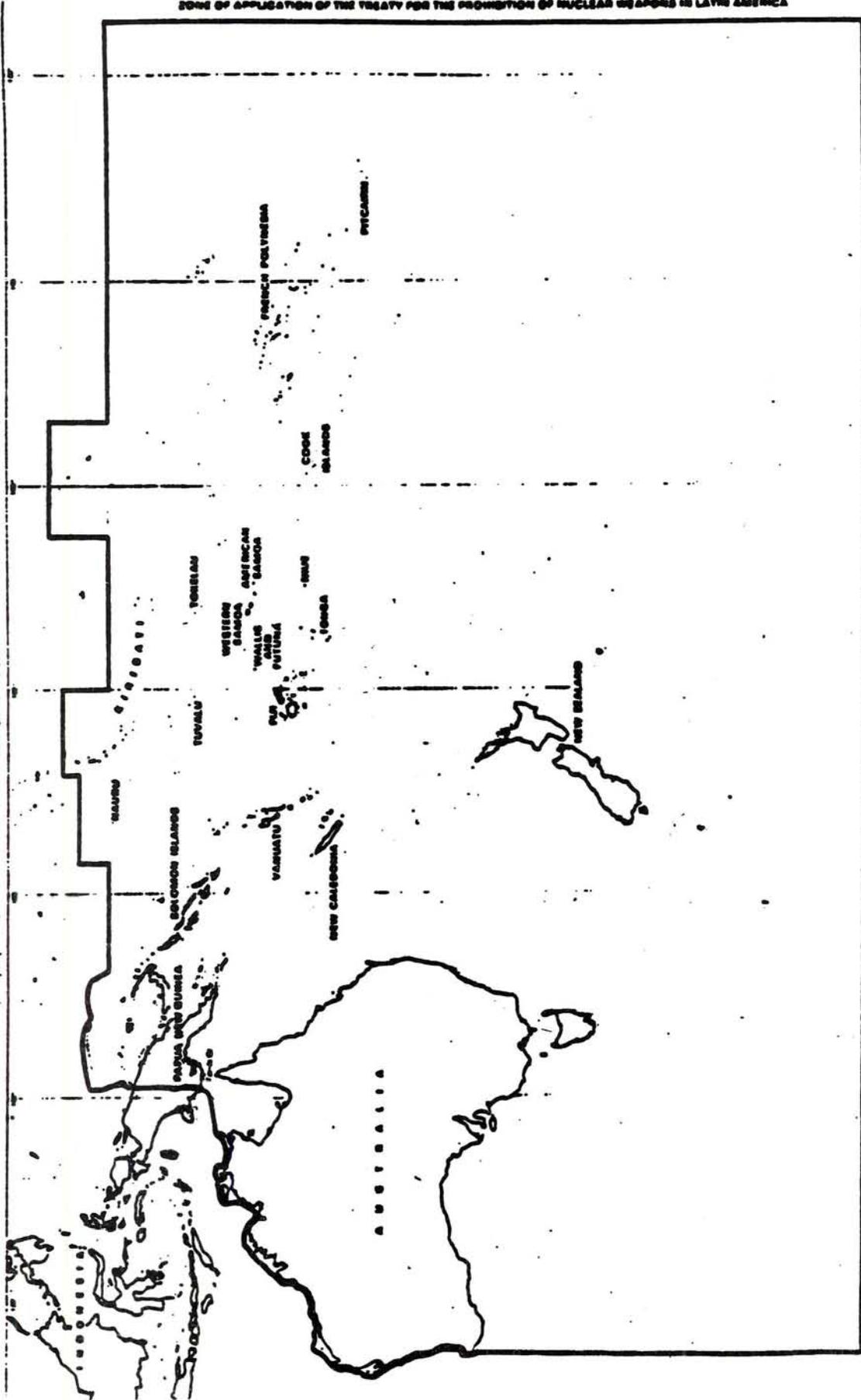
B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of latitude 60 degrees south, provided that any such areas shall cease to be part of the South Pacific Nuclear-Free Zone upon receipt by the depositary of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

ZONE OF APPLICATION OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

ATTACHMENT TO ANNEX I TO THE SOUTHPACIFIC NUCLEAR FREE ZONE TREATY -

ILLUSTRATIVE MAP

Intermittent islands in the Indian Ocean, which are also part of the South Pacific Nuclear Free Zone, are not shown.



ANTARCTIC TREATY AREA

Annex 2

IAEA SAFEGUARDS

1. The safeguards referred to in article 8 shall in respect of each Party be applied by IAEA as set forth in an agreement negotiated and concluded with IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for if not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.

4. Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of IAEA in relation to those conclusions for the information of all Parties.

Annex 3

CONSULTATIVE COMMITTEE

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to articles 10 and 11 and annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties, subject to the provisions of article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.

2. The costs of the Consultative Committee, including the costs of special inspections pursuant to annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

Annex 4

COMPLAINTS PROCEDURE

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject matter of the complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.

2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.

3. The Consultative Committee, taking account of efforts made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.

5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguard procedures to be undertaken by IAEA pursuant to agreements referred to in annex 2 (1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.

6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.

7. The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.

8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.

9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

PROTOCOL 1

The Parties to this Protocol

Noting the South Pacific Nuclear-Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the South Pacific Nuclear-Free Zone, the prohibitions contained in articles 3, 5 and 6, insofar as they relate to the manufacture, stationing and testing of any nuclear explosive device within those territories, and the safeguards specified in article 8 (2) (c) and annex 2 of the Treaty.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to article 11 of the Treaty.

Article 3

This Protocol shall be open for signature by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

PROTOCOL 2

The Parties to this Protocol

Noting the South Pacific Nuclear-Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes not to contribute to any act which constitutes a violation of the Treaty or its Protocols by Parties to them.

Article 2

Each Party further undertakes not to use or threaten to use any nuclear explosive device against:

(a) Parties to the Treaty; or

(b) Any territory within the South Pacific Nuclear-Free Zone for which a State that has become a Party to Protocol 1 is internationally responsible.

Article 3

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to article 11 of the Treaty or by the extension of the South Pacific Nuclear-Free Zone pursuant to article 12 (3) of the Treaty.

Article 4

This Protocol shall be open for signature by France, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

PROTOCOL 3

The Parties to this Protocol

Noting the South Pacific Nuclear-Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes not to test any nuclear explosive device anywhere within the South Pacific Nuclear-Free Zone.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to article 11 of the Treaty or by the extension of the South Pacific Nuclear-Free Zone pursuant to article 12 (3) of the Treaty.

Article 3

This Protocol shall be open for signature by France, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

4. UNITED NATIONS CONVENTION ON CONDITIONS FOR
REGISTRATION OF SHIPS*
7 FEBRUARY 1986

[Original: Arabic/Chinese/
English/French/
Russian/Spanish]

The States Parties to this Convention,

Recognizing the need to promote the orderly expansion of world shipping as a whole,

Recalling General Assembly resolution 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade, which called, inter alia, in paragraph 128, for an increase in the participation by developing countries in world transport of international trade,

Recalling also that according to the 1958 Geneva Convention on the High Seas and the 1982 United Nations Convention on the Law of the Sea there must exist a genuine link between a ship and a flag State and conscious of the duties of the flag State to exercise effectively its jurisdiction and control over ships flying its flag in accordance with the principle of the genuine link,

Believing that to this end a flag State should have a competent and adequate national maritime administration,

Believing also that in order to exercise its control function effectively a flag State should ensure that those who are responsible for the management and operation of a ship on its register are readily identifiable and accountable,

Believing further that measures to make persons responsible for ships more readily identifiable and accountable could assist in the task of combating maritime fraud,

Reaffirming, without prejudice to this Convention, that each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory and for the right to fly its flag,

Prompted by the desire among sovereign States to resolve in a spirit of mutual understanding and co-operation all issues relating to the conditions for the grant of nationality to, and for the registration of, ships,

Considering that nothing in this Convention shall be deemed to prejudice any provisions in the national laws and regulations of the Contracting Parties to this Convention, which exceed the provisions contained herein,

* United Nations Conference on Trade and Development document TD/RS/CONF/23 of 13 March 1986.

Recognizing the competences of the specialized agencies and other institutions of the United Nations system as contained in their respective constitutional instruments, taking into account arrangements which may have been concluded between the United Nations and the agencies, and between individual agencies and institutions in specific fields,

Have agreed as follows:

Article 1

OBJECTIVES

For the purpose of ensuring or, as the case may be, strengthening the genuine link between a State and ships flying its flag, and in order to exercise effectively its jurisdiction and control over such ships with regard to identification and accountability of shipowners and operators as well as with regard to administrative, technical, economic and social matters, a flag State shall apply the provisions contained in this Convention.

Article 2

DEFINITIONS

For the purposes of this Convention:

"Ship" means any self-propelled sea-going vessel used in the international seaborne trade for the transport of goods, passengers, or both with the exception of vessels of less than 500 gross registered tons;

"Flag State" means a State whose flag a ship flies and is entitled to fly;

"Owner" or "shipowner" means, unless clearly indicated otherwise, any natural or juridical person recorded in the register of ships of the State of registration as an owner of a ship;

"Operator" means the owner or bareboat charterer, or any other natural or juridical person to whom the responsibilities of the owner or bareboat charterer have been formally assigned;

"State of registration" means the State in whose register of ships a ship has been entered;

"Register of ships" means the official register or registers in which particulars referred to in article 11 of this Convention are recorded;

"National maritime administration" means any State authority or agency which is established by the State of registration in accordance with its legislation and which, pursuant to that legislation, is responsible, inter alia, for the implementation of international agreements concerning maritime transport and for the application of rules and standards concerning ships under its jurisdiction and control;

"Bareboat charter" means a contract for the lease of a ship, for a stipulated period of time, by virtue of which the lessee has complete possession and control of the ship, including the right to appoint the master and crew of the ship, for the duration of the lease;

"Labour-supplying country" means a country which provides seafarers for service on a ship flying the flag of another country.

Article 3

SCOPE OF APPLICATION

This Convention shall apply to all ships as defined in article 2.

Article 4

GENERAL PROVISIONS

1. Every State, whether coastal or land-locked, has the right to sail ships flying its flag on the high seas.
2. Ships have the nationality of the State whose flag they are entitled to fly.
3. Ships shall sail under the flag of one State only.
4. No ships shall be entered in the registers of ships of two or more States at a time, subject to the provisions of paragraphs 4 and 5 of article 11 and to article 12.
5. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

Article 5

NATIONAL MARITIME ADMINISTRATION

1. The flag State shall have a competent and adequate national maritime administration, which shall be subject to its jurisdiction and control.
2. The flag State shall implement applicable international rules and standards concerning, in particular, the safety of ships and persons on board and the prevention of pollution of the marine environment.
3. The maritime administration of the flag State shall ensure:
 - (a) That ships flying the flag of such State comply with its laws and regulations concerning registration of ships and with applicable international rules and standards concerning, in particular, the safety of ships and persons on board and the prevention of pollution of the marine environment;
 - (b) That ships flying the flag of such State are periodically surveyed by its authorized surveyors in order to ensure compliance with applicable international rules and standards;

- (c) That ships flying the flag of such State carry on board documents, in particular, those evidencing the right to fly its flag and other valid relevant documents, including those required by international conventions to which the State of registration is a Party;
 - (d) That the owners of ships flying the flag of such State comply with the principles of registration of ships in accordance with the laws and regulations of such State and the provisions of this Convention.
4. The State of registration shall require all the appropriate information necessary for full identification and accountability concerning ships flying its flag.

Article 6

IDENTIFICATION AND ACCOUNTABILITY

1. The State of registration shall enter in its register of ships, inter alia, information concerning the ship and its owner or owners. Information concerning the operator, when the operator is not the owner, should be included in the register of ships or in the official record of operators to be maintained in the office of the Registrar or be readily accessible to him, in accordance with the laws and regulations of the State of registration. The State of registration shall issue documentation as evidence of the registration of the ship.
2. The State of registration shall take such measures as are necessary to ensure that the owner or owners, the operator or operators, or any other person or persons who can be held accountable for the management and operation of ships flying its flag can be easily identified by persons having a legitimate interest in obtaining such information.
3. Registers of ships should be available to those with a legitimate interest in obtaining information contained therein, in accordance with the laws and regulations of the flag State.
4. A State should ensure that ships flying its flag carry documentation including information about the identity of the owner or owners, the operator or operators or the person or persons accountable for the operation of such ships, and make available such information to port State authorities.
5. Log-books should be kept on all ships and retained for a reasonable period after the date of the last entry, notwithstanding any change in a ship's name, and should be available for inspection and copying by persons having a legitimate interest in obtaining such information, in accordance with the laws and regulations of the flag State. In the event of a ship being sold and its registration being changed to another State, log-books relating to the period before such sale should be retained and should be available for inspection and copying by persons having a legitimate interest in obtaining such information, in accordance with the laws and regulations of the former flag State.

6. A State shall take necessary measures to ensure that ships it enters in its register of ships have owners or operators who are adequately identifiable for the purpose of ensuring their full accountability.
7. A State should ensure that direct contact between owners of ships flying its flag and its government authorities is not restricted.

Article 7

PARTICIPATION BY NATIONALS IN THE OWNERSHIP AND/OR MANNING OF SHIPS

With respect to the provisions concerning manning and ownership of ships as contained in paragraphs 1 and 2 of article 8 and paragraphs 1 to 3 of article 9, respectively, and without prejudice to the application of any other provisions of this Convention, a State of registration has to comply either with the provisions of paragraphs 1 and 2 of article 8 or with the provisions of paragraphs 1 to 3 of article 9, but may comply with both.

Article 8

OWNERSHIP OF SHIPS

1. Subject to the provisions of article 7, the flag State shall provide in its laws and regulations for the ownership of ships flying its flag.
2. Subject to the provisions of article 7, in such laws and regulations the flag State shall include appropriate provisions for participation by that State or its nationals as owners of ships flying its flag or in the ownership of such ships and for the level of such participation. These laws and regulations should be sufficient to permit the flag State to exercise effectively its jurisdiction and control over ships flying its flag.

Article 9

MANNING OF SHIPS

1. Subject to the provisions of article 7, a State of registration, when implementing this Convention, shall observe the principle that a satisfactory part of the complement consisting of officers and crew of ships flying its flag be nationals or persons domiciled or lawfully in permanent residence in that State.
2. Subject to the provisions of article 7 and in pursuance of the goal set out in paragraph 1 of this article, and in taking necessary measures to this end, the State of registration shall have regard to the following:

- (a) The availability of qualified seafarers within the State of registration;
 - (b) Multilateral or bilateral agreements or other types of arrangements valid and enforceable pursuant to the legislation of the State of registration;
 - (c) The sound and economically viable operation of its ships.
3. The State of registration should implement the provision of paragraph 1 of this article on a ship, company or fleet basis.
 4. The State of registration, in accordance with its laws and regulations, may allow persons of other nationalities to serve on board ships flying its flag in accordance with the relevant provisions of this Convention.
 5. In pursuance of the goal set out in paragraph 1 of this article, the State of registration should, in co-operation with shipowners, promote the education and training of its nationals or persons domiciled or lawfully in permanent residence within its territory.
 6. The State of registration shall ensure:
 - (a) That the manning of ships flying its flag is of such a level and competence as to ensure compliance with applicable international rules and standards, in particular those regarding safety at sea;
 - (b) That the terms and conditions of employment on board ships flying its flag are in conformity with applicable international rules and standards;
 - (c) That adequate legal procedures exist for the settlement of civil disputes between seafarers employed on ships flying its flag and their employers;
 - (d) That nationals and foreign seafarers have equal access to appropriate legal processes to secure their contractual rights in their relations with their employers.

Article 10

ROLE OF FLAG STATES IN RESPECT OF THE MANAGEMENT OF SHIPOWNING COMPANIES AND SHIPS

1. The State of registration, before entering a ship in its register of ships, shall ensure that the shipowning company or a subsidiary shipowning company is established and/or has its principal place of business within its territory in accordance with its laws and regulations.
2. Where the shipowning company or a subsidiary shipowning company or the principal place of business of the shipowning company is not established in the flag State, the latter shall ensure, before entering a ship in its register of ships, that there is a representative or management person who

shall be a national of the flag State, or be domiciled therein. Such a representative or management person may be a natural or juridical person who is duly established or incorporated in the flag State, as the case may be, in accordance with its laws and regulations, and duly empowered to act on the shipowner's behalf and account. In particular, this representative or management person should be available for any legal process and to meet the shipowner's responsibilities in accordance with the laws and regulations of the State of registration.

3. The State of registration should ensure that the person or persons accountable for the management and operation of a ship flying its flag are in a position to meet the financial obligations that may arise from the operation of such a ship to cover risks which are normally insured in international maritime transportation in respect of damage to third parties. To this end the State of registration should ensure that ships flying its flag are in a position to provide at all times documents evidencing that an adequate guarantee, such as appropriate insurance or any other equivalent means, has been arranged. Furthermore, the State of registration should ensure that an appropriate mechanism, such as a maritime lien, mutual fund, wage insurance, social security scheme, or any governmental guarantee provided by an appropriate agency of the State of the accountable person, whether that person is an owner or operator, exists to cover wages and related monies owed to seafarers employed on ships flying its flag in the event of default of payment by their employers. The State of registration may also provide for any other appropriate mechanism to that effect in its laws and regulations.

Article 11

REGISTER OF SHIPS

1. A State of registration shall establish a register of ships flying its flag, which register shall be maintained in a manner determined by that State and in conformity with the relevant provisions of this Convention. Ships entitled by the laws and regulations of a State to fly its flag shall be entered in this register in the name of the owner or owners or, where national laws and regulations so provide, the bareboat charterer.
2. Such register shall, inter alia, record the following:
 - (a) The name of the ship and the previous name and registry if any;
 - (b) The place or port of registration or home port and the official number or mark of identification of the ship;
 - (c) The international call sign of the ship, if assigned;
 - (d) The name of the builders, place of build and year of building of the ship;
 - (e) The description of the main technical characteristics of the ship;
 - (f) The name, address and, as appropriate, the nationality of the owner or of each of the owners;

and, unless recorded in another public document readily accessible to the Registrar in the flag State:

- (g) The date of deletion or suspension of the previous registration of the ship;
 - (h) The name, address and, as appropriate, the nationality of the bareboat charterer, where national laws and regulations provide for the registration of ships bareboat chartered-in;
 - (i) The particulars of any mortgages or other similar charges upon the ship as stipulated by national laws and regulations.
3. Furthermore, such register should also record:
- (a) If there is more than one owner, the proportion of the ship owned by each;
 - (b) The name, address and, as appropriate, the nationality of the operator, when the operator is not the owner or the bareboat charterer.
4. Before entering a ship in its register of ships a State should assure itself that the previous registration, if any, is deleted.
5. In the case of a ship bareboat chartered-in a State should assure itself that right to fly the flag of the former flag State is suspended. Such registration shall be effected on production of evidence, indicating suspension of previous registration as regards the nationality of the ship under the former flag State and indicating particulars of any registered encumbrances.

Article 12

BAREBOAT CHARTER

1. Subject to the provisions of article 11 and in accordance with its laws and regulations a State may grant registration and the right to fly its flag to a ship bareboat chartered-in by a charterer in that State, for the period of that charter.
2. When shipowners or charterers in States Parties to this Convention enter into such bareboat charter activities, the conditions of registration contained in this Convention should be fully complied with.
3. To achieve the goal of compliance and for the purpose of applying the requirements of this Convention in the case of a ship so bareboat chartered-in the charterer will be considered to be the owner. This Convention, however, does not have the effect of providing for any ownership rights in the chartered ship other than those stipulated in the particular bareboat charter contract.

4. A State should ensure that a ship bareboat chartered-in and flying its flag, pursuant to paragraphs 1 to 3 of this article, will be subject to its full jurisdiction and control.
5. The State where the bareboat chartered-in ship is registered shall ensure that the former flag State is notified of the deletion of the registration of the bareboat chartered ship.
6. All terms and conditions, other than those specified in this article, relating to the relationship of the parties to a bareboat charter are left to the contractual disposal of those parties.

Article 13

JOINT VENTURES

1. Contracting Parties to this Convention, in conformity with their national policies, legislation and the conditions for registration of ships contained in this Convention, should promote joint ventures between shipowners of different countries, and should, to this end, adopt appropriate arrangements, inter alia, by safeguarding the contractual rights of the parties to joint ventures, to further the establishment of such joint ventures in order to develop the national shipping industry.
2. Regional and international financial institutions and aid agencies should be invited to contribute, as appropriate, to the establishment and/or strengthening of joint ventures in the shipping industry of developing countries, particularly in the least developed among them.

Article 14

MEASURES TO PROTECT THE INTERESTS OF LABOUR-SUPPLYING COUNTRIES

1. For the purpose of safeguarding the interests of labour-supplying countries and of minimizing labour displacement and consequent economic dislocation, if any, within these countries, particularly developing countries, as a result of the adoption of this Convention, urgency should be given to the implementation, inter alia, of the measures as contained in resolution 1 annexed to this Convention.
2. In order to create favourable conditions for any contract or arrangement that may be entered into by shipowners or operators and the trade unions of seamen or other representative seamen bodies, bilateral agreements may be concluded between flag States and labour-supplying countries concerning the employment of seafarers of those labour-supplying countries.

Article 15

MEASURES TO MINIMIZE ADVERSE ECONOMIC EFFECTS

For the purpose of minimizing adverse economic effects that might occur within developing countries, in the process of adapting and implementing conditions to meet the requirements established by this Convention, urgency should be given to the implementation, inter alia, of the measures as contained in resolution 2 annexed to this Convention.

Article 16

DEPOSITARY

The Secretary-General of the United Nations shall be the depositary of this Convention.

Article 17

IMPLEMENTATION

1. Contracting Parties shall take any legislative or other measures necessary to implement this Convention.
2. Each Contracting Party shall, at appropriate times, communicate to the depositary the texts of any legislative or other measures which it has taken in order to implement this Convention.
3. The depositary shall transmit upon request to Contracting Parties the texts of the legislative or other measures which have been communicated to him pursuant to paragraph 2 of this article.

Article 18

SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. All States are entitled to become Contracting Parties to this Convention by:
 - (a) Signature not subject to ratification, acceptance or approval; or
 - (b) Signature subject to and followed by ratification, acceptance or approval; or
 - (c) Accession.
2. This Convention shall be open for signature from 1 May 1986 to and including 30 April 1987, at the Headquarters of the United Nations in New York and shall thereafter remain open for accession.

3. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 19

ENTRY INTO FORCE

1. This Convention shall enter into force 12 months after the date on which not less than 40 States, the combined tonnage of which amounts to at least 25 per cent of world tonnage, have become Contracting Parties to it in accordance with article 18. For the purpose of this article the tonnage shall be deemed to be that contained in annex III to this Convention.
2. For each State which becomes a Contracting Party to this Convention after the conditions for entry into force under paragraph 1 of this article have been met, the Convention shall enter into force for that State 12 months after that State has become a Contracting Party.

Article 20

REVIEW AND AMENDMENTS

1. After the expiry of a period of eight years from the date of entry into force of this Convention, a Contracting Party may, by written communication addressed to the Secretary-General of the United Nations, propose specific amendments to this Convention and request the convening of a review conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all Contracting Parties. If, within 12 months from the date of the circulation of the communication, not less than two fifths of the Contracting Parties reply favourably to the request, the Secretary-General shall convene the Review Conference.
2. The Secretary-General of the United Nations shall circulate to all Contracting Parties the texts of any proposals for, or views regarding, amendments, at least six months before the opening date of the Review Conference.

Article 21

EFFECT OF AMENDMENTS

1. The decisions of a review conference regarding amendments shall be taken by consensus or, upon request, by a vote of a two-thirds majority of the Contracting Parties present and voting. Amendments adopted by such a conference shall be communicated by the Secretary-General of the United Nations to all the Contracting Parties for ratification, acceptance, or approval and to all the States signatories of the Convention for information.

2. Ratification, acceptance or approval of amendments adopted by a review conference shall be effected by the deposit of a formal instrument to that effect with the depositary.
3. Any amendment adopted by a review conference shall enter into force only for those Contracting Parties which have ratified, accepted or approved it, on the first day of the month following one year after its ratification, acceptance or approval by two thirds of the Contracting Parties. For any State ratifying, accepting or approving an amendment after it has been ratified, accepted or approved by two thirds of the Contracting Parties, the amendment shall enter into force one year after its ratification, acceptance or approval by that State.
4. Any State which becomes a Contracting Party to this Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State:
 - (a) Be considered as a Party to this Convention as amended; and
 - (b) Be considered as a Party to the unamended Convention in relation to any Contracting Party not bound by the amendment.

Article 22

DENUNCIATION

1. Any Contracting Party may denounce this Convention at any time by means of a notification in writing to this effect addressed to the depositary.
2. Such denunciation shall take effect on the expiration of one year after the notification is received by the depositary, unless a longer period has been specified in the notification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have affixed their signatures hereunder on the dates indicated.

DONE at Geneva on 7 February 1986 in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic.

Annex I

RESOLUTION 1

Measures to protect the interests of labour-supplying countries

The United Nations Conference on Conditions for Registration of Ships,

Having adopted the United Nations Convention on Conditions for Registration of Ships,

Recommends as follows:

1. Labour-supplying countries should regulate the activities of the agencies within their jurisdiction that supply seafarers for ships flying the flag of another country in order to ensure that the contractual terms offered by those agencies will prevent abuses and contribute to the welfare of seafarers. For the protection of their seafarers, labour-supplying countries may require, inter alia, suitable security of the type mentioned in article 10 from the owners or operators of ships employing such seafarers or from other appropriate bodies;
2. Labour-supplying developing countries may consult each other in order to harmonize as much as possible their policies concerning the conditions upon which they will supply labour in accordance with these principles and may, if necessary, harmonize their legislation in this respect;
3. The United Nations Conference on Trade and Development, the United Nations Development Programme and other appropriate international bodies should upon request provide assistance to labour-supplying developing countries for establishing appropriate legislation for registration of ships and attracting ships to their registers, taking into account this Convention;
4. The International Labour Organisation should upon request provide assistance to labour-supplying countries for the adoption of measures in order to minimize labour displacement and consequent economic dislocation, if any, within labour-supplying countries which might result from the adoption of this Convention;
5. Appropriate international organizations within the United Nations system should upon request provide assistance to labour-supplying countries for the education and training of their seafarers, including the provision of training and equipment facilities.

Annex II

RESOLUTION 2

Measures to minimize adverse economic effects

The United Nations Conference on Conditions for Registration of Ships,

Having adopted the United Nations Convention on Conditions for Registration of Ships,

Recommends as follows:

1. The United Nations Conference on Trade and Development, the United Nations Development Programme and the International Maritime Organization and other appropriate international bodies should provide, upon request, technical and financial assistance to those countries which may be affected by this Convention in order to formulate and implement modern and effective legislation for the development of their fleet in accordance with the provisions of this Convention;
2. The International Labour Organisation and other appropriate international organizations should also provide, upon request, assistance to those countries for the preparation and implementation of educational and training programmes for their seafarers as may be necessary;
3. The United Nations Development Programme, the World Bank and other appropriate international organizations should provide to those countries, upon request, technical and financial assistance for the implementation of alternative national development plans, programmes and projects to overcome economic dislocation which might result from the adoption of this Convention.

Annex III

MERCHANT FLEETS OF THE WORLD SHIPS OF 500 GROSS REGISTERED
TONS AND ABOVE AS AT 1 JULY 1985

	<u>Gross registered tons</u>
Albania	52 698
Algeria	1 332 863
Angola	71 581
Argentina	2 227 252
Australia	1 877 560
Austria	134 225
Bahamas	3 852 385
Bahrain	26 646
Bangladesh	300 151
Barbados	4 034
Belgium	2 247 571
Benin	2 999
Bolivia	14 913
Brazil	5 935 899
Bulgaria	1 191 419
Burma	94 380
Cameroon	67 057
Canada	841 048
Cape Verde	8 765
Chile	371 468
China	10 167 450
Colombia	357 668
Comoros	649
Costa Rica	12 616
Côte d'Ivoire	124 706
Cuba	784 664
Cyprus	8 134 083
Czechoslovakia	184 299
Democratic Kampuchea	998
Democratic Yemen	4 229
Denmark	4 677 360
Djibouti	2 066
Dominica	500
Dominican Republic	35 667
Ecuador	417 372
Egypt	835 995
Equatorial Guinea	6 412
Ethiopia	54 499
Faeroe Islands	39 333
Fiji	20 145
Finland	1 894 485

	<u>Gross registered</u> <u>tons</u>
France	7 864 931
Gabon	92 687
Gambia	1 597
German Democratic Republic	1 235 840
Germany, Federal Republic of	5 717 767
Ghana	99 637
Greece	30 751 092
Guatemala	15 569
Guinea	598
Guyana	3 888
Honduras	301 786
Hungary	77 182
Iceland	69 460
India	6 324 145
Indonesia	1 604 427
Iran (Islamic Republic of)	2 172 401
Iraq	882 715
Ireland	161 304
Israel	541 035
Italy	8 530 108
Jamaica	7 473
Japan	37 189 376
Jordan	47 628
Kenya	1 168
Kiribati	1 480
Korea, Democratic People's Republic of	470 592
Korea, Republic of	6 621 898
Kuwait	2 311 813
Lebanon	461 525
Liberia	57 985 747
Libyan Arab Jamahiriya	832 450
Madagascar	63 115
Malaysia	1 708 599
Maldives	125 958
Malta	1 836 948
Mauritania	1 581
Mauritius	32 968
Mexico	1 282 048
Monaco	3 268
Morocco	377 702
Mozambique	17 013
Nauru	64 829
Netherlands	3 628 871
New Zealand	266 285
Nicaragua	15 869
Nigeria	396 525
Norway	14 567 326
Oman	10 939

	<u>Gross registered</u> <u>tons</u>
Pakistan	429 973
Panama	39 366 187
Papua New Guinea	10 671
Paraguay	38 440
Peru	640 968
Philippines	4 462 291
Poland	2 966 534
Portugal	1 280 065
Qatar	339 725
Romania	2 769 937
Saint Vincent and the Grenadines	220 490
Samoa	25 644
Saudi Arabia	2 868 689
Senegal	19 426
Singapore	6 385 919
Solomon Islands	1 018
Somalia	22 802
South Africa	501 386
Spain	5 650 470
Sri Lanka	617 628
Sudan	92 700
Suriname	11 181
Sweden	2 951 227
Switzerland	341 972
Syrian Arab Republic	40 506
Thailand	550 585
Togo	52 677
Tonga	13 381
Trinidad and Tobago	9 370
Tunisia	274 170
Turkey	3 532 350
Uganda	3 394
Union of Soviet Socialist Republics	16 767 526
United Arab Emirates	805 318
United Kingdom of Great Britain and Northern Ireland ..	13 260 290
Bermuda	969 081
British Virgin Islands	1 939
Cayman Islands	313 755
Gibraltar	568 247
Hong Kong	6 820 100
Montserrat	711
Saint Helena	3 150
Turks and Caicos Islands	513
United Republic of Tanzania.....	43 471
 Total	 21 937 786

	<u>Gross registered tons</u>
United States of America	13 922 244
Uruguay	144 907
Vanuatu	132 979
Venezuela	900 305
Viet Nam	277 486
Yugoslavia	2 648 415
Zaire	70 127
Unallocated	4 201 669
	<hr/>
World total	<u>383 533 282</u>

Source: Compiled on the basis of data supplied by Lloyd's Shipping Information Services (London).

Notes: (i) Types of ship included:

- Oil tankers
- Oil/chemical tankers
- Chemical tankers
- Miscellaneous tankers (trading)
- Liquified gas carriers
- Bulk/oil carriers (including ore/oil)
- Ore and bulk carriers
- General cargo ships
- Container ships (fully cellular and lighter carriers)
- Vehicle carriers
- Ferries and passenger ships and passenger/cargo ships
- Livestock carriers

(ii) Excluding the reserve fleet of the United States of America and the United States and Canadian Great Lakes Fleets.

كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم . استعلم عنها من المكتبة التي تتعامل معها أو اكتب إلى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

如何购取联合国出版物

联合国出版物在全世界各地的书店和经售处均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à : Nations Unies, Section des ventes, New York ou Genève.

КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Издания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женева.

COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.
