

LAW OF THE SEA

BULLETIN

No. 10

NOVEMBER 1987



OFFICE FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

Publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN
PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN

CONTENTS

	<u>Page</u>
I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.....	1
A. Table of signatures and ratifications as of 31 October 1987.....	1
B. List of ratifications in chronological order and by regional groups.....	7
C. Declarations made upon ratification: Democratic Yemen and Cape Verde.....	8
II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.....	10
A. Recent national legislation received from Governments.....	10
1. People's Republic of Bulgaria.....	10
Decree No. 77 of the State Council of the People's Republic of Bulgaria on the exclusive economic zone of the People's Republic of Bulgaria in the Black Sea.....	10
2. United Kingdom of Great Britain and Northern Ireland.....	11
Territorial Sea Act 1987: Extract from the Speech made in the Second Reading in the House of Lords by the Minister of State in the Foreign and Commonwealth Office, on 5 February 1987 concerning Passage in Straits.....	11
Territorial Sea Act 1987.....	12
The Territorial Sea (Limits) Order 1987.....	19
B. Notes by Governments.....	21
1. Bolivia.....	21
2. United States of America.....	23
C. Treaties.....	24
1. Multilateral Treaties.....	24
(a) Treaty on Fisheries between the Governments of certain Pacific Island States and the Government of the United States of America.....	24

CONTENTS (continued)

	<u>Page</u>
(b) Convention for the Protection of the Natural Resources and Environment of the South Pacific Region.....	59
(i) Protocol for the Prevention of Pollution of the South Pacific Region by Dumping.....	78
(ii) Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region.....	89
2. Bilateral Treaties.....	95
- Agreement between the Government of the French Republic and the Government of the Italian Republic on the delimitation of the Maritime Boundaries in the Area of the Strait of Bonifacio, done at Paris on 28 November 1986.....	95
- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics concerning the Prevention of Incidents at Sea beyond the Territorial Sea.....	97
- Maritime Delimitation Treaty between Colombia and Honduras.	103
- Agreement between the Socialist Republic of the Union of Burma and the Republic of India on the Delimitation of the Maritime Boundary in the Andaman Sea, in the Coco Channel and in the Bay of Bengal.....	105
D. Resolution and decision of interest.....	108
Economic and Social Council Resolution and Decision.....	108
1987/84. Economic and technical aspects of marine affairs.....	108
1987/180. Development of marine areas under national jurisdiction.	108
III. INFORMATION ABOUT THE PREPARATORY COMMISSION.....	109
A. Table of members, observers and participants of the Preparatory Commission, fifth session (Kingston and New York)....	110
B. Report of the fifth session.....	115
1. Report on the fifth session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, Kingston, 30 March-16 April 1987.....	115

CONTENTS (continued)

	<u>Page</u>
2. Report on the meeting of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, New York, 27 July-21 August 1987.....	120
C. List of documents of the fifth session of the Preparatory Commission and of the New York meeting.....	124
IV. OTHER INFORMATION.....	133
Land, island and maritime frontier dispute (El Salvador/Honduras).....	133

I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Table of signatures and ratifications as of 31 October 1987

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Afghanistan		18/3/83	
Albania		x	
Algeria * <u>b/</u>	x	x	
Angola *	x	7/2/83	
Antigua and Barbuda			
Argentina *		5/10/84	
Australia	x	x	
Austria	x	x	29/7/83
Bahamas	x	x	30/5/85
Bahrain	x	x	
Bangladesh	x	x	
Barbados	x	x	
Belgium *	x	5/12/84	13/8/83
Belize	x	x	
Benin	x	30/8/83	
Bhutan	x	x	
Bolivia *		27/11/84	
Botswana	x	5/12/84	
Brazil *	x	x	
Brunei Darussalam		5/12/84	
Bulgaria	x	x	
Burkina Faso	x	x	
Burma	x	x	
Burundi	x	x	
Byelorussian SSR *	x	x	
Cameroon	x	x	19/11/85
Canada	x	x	10/8/87
Cape Verde * ** <u>c/</u>	x	x	
Central African Republic		4/12/84	
Chad	x	x	
Chile *	x	x	
China	x	x	
Colombia	x	x	
Comoros		6/12/84	
Congo	x	x	

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Costa Rica *	x	x	
Côte d'Ivoire	x	x	26/3/84
Cuba * **	x	x	15/8/84
Cyprus	x	x	
Czechoslovakia	x	x	

Democratic Kampuchea		1/7/83	
Democratic People's Rep. of Korea	x	x	
Democratic Yemen **	x	x	21/7/87
Denmark	x	x	
Djibouti	x	x	

Dominica		28/3/83	
Dominican Republic	x	x	
Ecuador	x		
Egypt **	x	x	26/8/83
El Salvador		5/12/84	

Equatorial Guinea	x	30/1/84	
Ethiopia	x	x	
Fiji	x	x	10/12/82
Finland *	x	x	
France *	x	x	

Gabon	x	x	
Gambia	x	x	22/5/84
German Democratic Republic *	x	x	
Germany, Federal Republic of	x		
Ghana	x	x	7/6/83

Greece *	x	x	
Grenada	x	x	
Guatemala		8/7/83	
Guinea *		4/10/84	6/9/85
Guinea-Bissau **	x	x	25/8/86

Guyana	x	x	
Haiti	x	x	
Holy See	x		
Honduras	x	x	
Hungary	x	x	

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Iceland **	x	x	21/6/85
India	x	x	
Indonesia	x	x	3/2/86
Iran (Islamic Republic of) *	x	x	
Iraq *	x	x	30/7/85
<hr/>			
Ireland	x	x	
Israel	x		
Italy *	x	7/12/84	
Jamaica	x	x	21/3/83
Japan	x	7/2/83	
<hr/>			
Jordan	x		
Kenya	x	x	
Kiribati			
Kuwait **	x	x	2/5/86
Lao People's Democratic Republic	x	x	
<hr/>			
Lebanon		7/12/84	
Lesotho	x	x	
Liberia	x	x	
Libyan Arab Jamahiriya	x	3/12/84	
Liechtenstein		30/11/84	
<hr/>			
Luxembourg *	x	5/12/84	
Madagascar		25/2/83	
Malawi		7/12/84	
Malaysia	x	x	
Maldives	x	x	
<hr/>			
Mali *		19/10/83	16/7/85
Malta	x	x	
Mauritania	x	x	
Mauritius	x	x	
Mexico	x	x	18/3/83
<hr/>			
Monaco	x	x	
Mongolia	x	x	
Morocco	x	x	
Mozambique	x	x	
Nauru	x	x	
<hr/>			

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Nepal	x	x	
Netherlands	x	x	
New Zealand	x	x	
Nicaragua *		9/12/84	
Niger	x	x	

Nigeria	x	x	14/8/86
Norway	x	x	
Oman *	x	1/7/83	
Pakistan	x	x	
Panama	x	x	

Papua New Guinea	x	x	
Paraguay	x	x	26/9/86
Peru	x		
Philippines * **	x	x	8/5/84
Poland	x	x	

Portugal	x	x	
Qatar *		27/11/84	
Republic of Korea	x	14/3/83	
Romania *	x	x	
Rwanda	x	x	

Saint Kitts and Nevis		7/12/84	
Saint Lucia	x	x	27/3/85
Saint Vincent and the Grenadines	x	x	
Samoa	x	28/9/84	
San Marino			

Sao Tome and Principe *		13/7/83	3/11/87
Saudi Arabia		7/12/84	
Senegal	x	x	25/10/84
Seychelles	x	x	
Sierra Leone	x	x	

Singapore	x	x	
Solomon Islands	x	x	
Somalia	x	x	
South Africa *		5/12/84	
Spain *	x	4/12/84	

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Sri Lanka	x	x	
Sudan *	x	x	23/1/85
Suriname	x	x	
Swaziland		18/1/84	
Sweden *	x	x	
<hr/>			
Switzerland	x	17/10/84	
Syrian Arab Republic			
Thailand	x	x	
Togo	x	x	16/4/85
Tonga			
<hr/>			
Trinidad and Tobago	x	x	25/4/86
Tunisia **	x	x	24/4/85
Turkey			
Tuvalu	x	x	
Uganda	x	x	
<hr/>			
Ukrainian SSR *	x	x	
Union of Soviet Socialist Republics *	x	x	
United Arab Emirates	x	x	
United Kingdom of Great Britain and Northern Ireland	x		
United Republic of Tanzania **	x	x	30/9/85
<hr/>			
United States of America	x		
Uruguay *	x	x	
Vanuatu	x	x	
Venezuela	x		
Viet Nam	x	x	
<hr/>			
Yemen *	x	x	
Yugoslavia **	x	x	5/5/86
Zaire	x	22/8/83	
Zambia	x	x	7/3/83
Zimbabwe	x	x	
<hr/>			
TOTAL STATES	140	155	34

OTHERS (Art. 305(1)(b),(c),(d),(e) and (f))	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Cook Islands	x	x	
European Economic Community *	x	7/12/84	
Namibia (United Nations Council for Namibia)	x	x	18/4/83
Niue		5/12/84	
Trust Territory of the Pacific Islands	x		
West Indies Associated States			
TOTAL STATES AND OTHERS	144	159	35

OTHER ENTITIES WHICH SIGNED THE FINAL ACT OF THE CONFERENCE

African National Congress of South Africa
Netherlands Antilles
Palestine Liberation Organization
Pan Africanist Congress of Azania
South West Africa People's Organization

Notes

a/ Those States which signed the Final Act and/or the Convention on 10 December 1982 are indicated by an "x". Those which signed at a later date are indicated by that date.

b/ Those States which made declarations at the time of signature of the Convention are indicated by an asterisk (*).

c/ Those States which made declarations at the time of ratification of the Convention are indicated by a double asterisk (**).

B. List of ratifications in chronological order and by regional groups

	<u>Date</u>	<u>State/Entity</u>	<u>Regional Group</u>
1.	10 December 1982	Fiji	Asian
2.	7 March 1983	Zambia	African
3.	18 March 1983	Mexico	Latin American
4.	21 March 1983	Jamaica	Latin American
5.	18 April 1983	Namibia (United Nations Council for Namibia)	African
6.	7 June 1983	Ghana	African
7.	29 July 1983	Bahamas	Latin American
8.	13 August 1983	Belize	Latin American
9.	26 August 1983	Egypt	African
10.	26 March 1984	Côte d'Ivoire	African
11.	8 May 1984	Philippines	Asian
12.	22 May 1984	Gambia	African
13.	15 August 1984	Cuba	Latin American
14.	25 October 1984	Senegal	African
15.	23 January 1985	Sudan	African
16.	27 March 1985	Saint Lucia	Latin American
17.	16 April 1985	Togo	African
18.	24 April 1985	Tunisia	African
19.	30 May 1985	Bahrain	Asian
20.	21 June 1985	Iceland	West European and other States
21.	16 July 1985	Mali	African
22.	30 July 1985	Iraq	Asian
23.	6 September 1985	Guinea	African
24.	30 September 1985	United Republic of Tanzania	African
25.	19 November 1985	Cameroon	African
26.	3 February 1986	Indonesia	Asian
27.	25 April 1986	Trinidad and Tobago	Latin American
28.	2 May 1986	Kuwait	Asian
29.	5 May 1986	Yugoslavia	Eastern European
30.	14 August 1986	Nigeria	African
31.	25 August 1986	Guinea-Bissau	African
32.	26 September 1986	Paraguay	Latin American
33.	21 July 1987	Democratic Yemen	Asian
34.	10 August 1987	Cape Verde	African
35.	3 November 1987	Sao Tome and Principe	African

= 34 States and 1 entity (35)

C. Declarations made upon ratification

DEMOCRATIC YEMEN

[Original: Arabic]

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

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

CAPE VERDE

[Original: English]

1. The Republic of Cape Verde reaffirms in its entirety its declaration dated 10 December 1982, handed over upon signature of the United Nations Convention on the Law of the Sea. [See depositary notification C.N.7.1983.TREATIES-1 of 23 February 1983, annex B.]

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

3. The Republic of Cape Verde declares that, in the absence of or failing any other peaceful means, it chooses, in order of preference and in accordance with article 287 of the United Nations Convention on the Law of the Sea, the following procedures for the settlement of disputes regarding the interpretation or application of the said Convention:

(a) The International Tribunal for the Law of the Sea;

(b) The International Court of Justice.

4. The Republic of Cape Verde, in accordance with article 298 of the United Nations Convention on the Law of the Sea, declares that it does not accept the procedures provided for in Part XV, section 2, of the said Convention for the settlement of disputes concerning military activities, including military activities by government-operated vessels and aircraft engaged in non-commercial service, as well as disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraphs 2 and 3, of the aforementioned Convention.

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

A. Recent national legislation received from Governments

1. BULGARIA

Decree No. 77 of the State Council of the People's Republic of Bulgaria
on the Exclusive Economic Zone of the People's Republic of Bulgaria
in the Black Sea

Article 1

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

Article 2

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

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

2. Rights and jurisdiction over:

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

(b) Marine scientific research;

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

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

Article 3

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

Article 4

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

Final provision

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

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

2. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Territorial Sea Act 1987:

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

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

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

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

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

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

TERRITORIAL SEA ACT 1987

[Entry into force: 1 October 1987]

1987 Chapter 49

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

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

Extension of territorial sea

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

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

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

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

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

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

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

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

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

Enactments and instruments not affected

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

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

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

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

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

(b) any licences granted under the said Act of 1934 before that date or granted on or after that date in pursuance of regulations made under that section before that date.

(5) In this section:

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

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

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

Amendments and Repeals

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

(2) Her Majesty may by Order in Council:

- (a) make, in relation to any enactment passed or instrument made before the date on which section 1 above comes into force, any amendment corresponding to any of those made by Schedule 1 to this Act;
- 1981 c.69. (b) amend subsection (1) of section 36 of the Wildlife and Countryside Act 1981 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Great Britain as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 6 of Schedule 1 to this Act, may be designated under that section;
- S.I.
1985/170
(N.I.I.) (c) amend paragraph 1 of article 20 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Northern Ireland as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 9 of Schedule 1 to this Act, may be designated under that Article.
- 1964 c.29. (3) Her Majesty may by Order in Council make such modifications of the effect of any Order in Council under section 1 (7) of the Continental Shelf Act 1964 (designated areas) as appear to Her to be necessary or expedient in consequence of any provision made by or under this Act.

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

Short title, commencement and extent

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

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

(3) This Act extends to Northern Ireland.

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

SCHEDULES

Section 3

Schedule 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Coast Protection Act 1949

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

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

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

The Mineral Workings (Offshore Installations) Act 1971

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

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

The Salmon and Freshwater Fisheries Act 1975

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

The Customs and Excise Management Act 1979

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

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

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

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

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

The Alcoholic Liquor Duties Act 1979

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

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

The Wildlife and Countryside Act 1981

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

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

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

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

The Oil and Gas (Enterprise) Act 1982

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

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

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

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

The Public Health (Control of Disease) Act 1984

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

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

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

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

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

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

Schedule 2

Section 3

REPEALS

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

THE TERRITORIAL SEA (LIMITS) ORDER 1987

1. This Order may be cited as the Territorial Sea (Limits) Order 1987 and shall come into force on 1 October 1987.

2. The seaward limit of the territorial sea adjacent to the United Kingdom between Point 1 and Point 6 indicated in the Schedule to this Order shall consist of a series of straight lines joining, in the sequence given, Points 1 to 6 indicated in the Schedule to this Order.

3. The seaward limit of the territorial sea adjacent to the United Kingdom shall be the median line where the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured are less than 24 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.

4. In this Order:

(a) "Straight line" means a loxodromic line;

(b) All positions given by means of co-ordinates are defined on European Datum (1st Adjustment 1950);

(c) "Median line" is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea adjacent to the United Kingdom and the Isle of Man respectively is measured.

Schedule

List of Points

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

EXPLANATORY NOTE

(This note is not part of the Order.)

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

B. Notes by Governments

1. BOLIVIA

[Original: Spanish]

Official communiqué

The Government of Bolivia wishes to denounce to international public opinion the bad faith of the current Chilean Government which, after agreeing to enter into negotiations on the problem of Bolivia's lack of access to the sea and having also agreed to a formal meeting of the Foreign Ministers of the two countries at which Bolivia presented a formal solution to the problem, has unexpectedly replied that that solution is unacceptable to Chile.

As the international community knows, talks between the Bolivian and Chilean Foreign Ministers, Mr. Guillermo Bedregal and Mr. Jaime del Valle, aimed at reaching an agreement on resolving Bolivia's land-locked situation were launched in New York in September 1986, during the forty-first session of the United Nations General Assembly.

On that occasion, the two Ministers for Foreign Affairs agreed to set up a joint bilateral committee for rapprochement to try to settle a number of problems deriving from the fact that Bolivia has to use Chilean territory for transit purposes in conducting its foreign trade, and also to promote all kinds of relations between the two countries in order to create a climate of friendship between the Bolivian and Chilean peoples so that they could later embark on a second phase in which such substantive problems as Bolivia's access to the sea would be studied.

The bilateral committee completed its task and it was decided to formalize the study of substantive problems by holding a meeting of the Ministers for Foreign Affairs of the two countries in the territory of a friendly country, at which Bolivia would present a specific proposal for a negotiated solution to its fundamental problem.

Thanks to the good offices of the Government of Uruguay, the aforementioned meeting of Foreign Ministers was held at Montevideo from 21 to 23 April last.

As stipulated, Bolivia presented a formal proposal contained in two memoranda, hoping thereby to put an end once and for all to the unjust land-locked situation it has suffered for over 100 years.

The Chilean Foreign Minister, Jaime del Valle, and the delegation that accompanied him to Montevideo received the Bolivian documents and, after analysing them, handed over a document in which they requested clarification and further details on the specific content of the Bolivian proposal.

The Bolivian delegation answered these questions in a third memorandum in which it replied to and elaborated on all the questions raised by Chile.

This appeared to satisfy the Chilean delegation headed by Foreign Minister del Valle, who said that his Government would give the Bolivian proposal serious consideration in a spirit of genuine American solidarity.

At the outcome of this first formal diplomatic negotiation between the two States, both Foreign Ministers issued a press communiqué which was widely disseminated in all the communication media.

On returning to his country, Foreign Minister del Valle made repeated statements and comments on the Bolivian proposal, describing it as "serious, realistic and practical".

Later, Mr. del Valle announced publicly that his Government had established a committee to review the question in depth and that he expected that Chile would give a reply before the end of the year.

While Bolivia and the international community, in particular members of the Organization of American States who had reiterated in resolutions adopted each year from 1979 onwards that Bolivia's maritime problem concerned not only Bolivia but the whole hemisphere, were expecting an honourable reply from Chile, the Chilean Government unexpectedly issued a clumsy and incoherent statement which effectively put an end to a diplomatic initiative launched under the best auspices of the American and world communities.

The Government of Bolivia wishes to point out that Chile's response, which took a far from customary and honourable form, simply demonstrates an unfathomable lack of respect for the most elementary rules of civilized coexistence and is revealing of an aberrant arrogance and a reactionary and exaggerated patriotism.

Faced with Chile's deplorable attitude, the Government of Bolivia not only wishes to denounce such conduct but also appeals to the international community to realize how difficult it is to achieve genuine brotherhood among peoples members of the United Nations as long as there are Governments like that of Chile which flout the dignity of other States.

La Paz, 11 June 1987

2. UNITED STATES OF AMERICA

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

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

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

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

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

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

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

C. Treaties

1. MULTILATERAL TREATIES

(a) Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America

The Governments of the Pacific Island States party to this Treaty and the Government of the United States of America:

ACKNOWLEDGING that in accordance with international law, coastal States have sovereign rights for the purposes of exploring and exploiting, conserving and managing the fisheries resources of their exclusive economic zones or fisheries zones;

RECOGNIZING the strong dependence of the Pacific Island parties on fisheries resources and the importance of the continued abundance of those resources;

BEARING IN MIND that some species of fish are found within and beyond the jurisdiction of any of the parties and range throughout a broad region; and

DESIRING to maximize benefits flowing from the development of the fisheries resources within the exclusive economic zones or fisheries zones of the Pacific Island parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

DEFINITIONS AND INTERPRETATION

1.1. In this Treaty:

(a) "Administrator" means that person or organization designated by the Pacific Island parties to act as such on their behalf pursuant to this Treaty and notified to the Government of the United States;

(b) "final judgement" means a judgement from which no appeal proceedings have been initiated within sixty days;

(c) "fishing" means:

- (i) searching for, catching, taking or harvesting fish;
- (ii) attempting to search for, catch, take or harvest fish;
- (iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;

- (iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
- (v) any operations at sea directly in support of, or in preparation for any activity described in this paragraph; or
- (vi) aircraft use, relating to the activities described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;

(d) "fishing vessel of the United States" or "vessel" means any boat, ship or other craft which is used for, equipped to be used for, or of a type normally used for commercial fishing, which is documented under the laws of the United States;

(e) "Licensing Area" means all waters in the Treaty Area except for:

- (i) waters subject to the jurisdiction of the United States in accordance with international law; and
- (ii) waters closed to fishing by fishing vessels of the United States in accordance with Annex I;

(f) "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master;

(g) "Pacific Island party" means a Pacific Island State party to this Treaty and "Pacific Island parties" means all such States from time to time;

(h) "Pacific Island State" means a party to the South Pacific Forum Fisheries Agency Convention, 1979;

(i) "party" means a State party to this Treaty, and "parties" means all such States, from time to time;

(j) "this Treaty" means this Treaty, its Annexes and Schedules; and

(k) "Treaty Area" means all waters north of 60 degrees south latitude and east of 90 degrees east longitude, subject to the fisheries jurisdiction of Pacific Island parties, and all other waters within rhumb lines connecting the following geographic co-ordinates, designated for the purposes of this Treaty, except for waters subject to the jurisdiction in accordance with international law of a State which is not a party to this Treaty:

2° 35' 39" S	141° 00' 00" E
1° 01' 35" N	140° 48' 35" E
1° 01' 35" N	129° 30' 00" E
10° 00' 00" N	129° 30' 00" E
14° 00' 00" N	140° 00' 00" E
14° 00' 00" N	142° 00' 00" E
12° 30' 00" N	142° 00' 00" E
12° 30' 00" N	158° 00' 00" E
15° 00' 00" N	158° 00' 00" E
15° 00' 00" N	165° 00' 00" E

18° 00' 00" N	165° 00' 00" E
18° 00' 00" N	174° 00' 00" E
12° 00' 00" N	174° 00' 00" E
12° 00' 00" N	176° 00' 00" E
5° 00' 00" N	176° 00' 00" E
1° 00' 00" N	180° 00' 00"
1° 00' 00" N	164° 00' 00" W
8° 00' 00" N	164° 00' 00" W
8° 00' 00" N	158° 00' 00" W
0° 00' 00"	150° 00' 00" W
6° 00' 00" S	150° 00' 00" W
6° 00' 00" S	146° 00' 00" W
12° 00' 00" S	146° 00' 00" W
26° 00' 00" S	157° 00' 00" W
26° 00' 00" S	174° 00' 00" W
40° 00' 00" S	174° 00' 00" W
40° 00' 00" S	171° 00' 00" W
46° 00' 00" S	171° 00' 00" W
55° 00' 00" S	180° 00' 00"
59° 00' 00" S	160° 00' 00" E
59° 00' 00" S	152° 00' 00" E

and north along the 152 degrees of east longitude until intersecting the Australian 200 nautical mile limit.

1.2 Nothing in this Treaty shall be deemed to affect the applicability of any provision of a Pacific Island party's law which is not identified or otherwise described in this Treaty.

ARTICLE 2

BROADER CO-OPERATION

2.1 The Government of the United States shall, as appropriate, co-operate with the Pacific Island parties through the provision of technical and economic support to assist the Pacific Island parties to achieve the objective of maximizing benefits from the development of their fisheries resources.

2.2 The Government of the United States shall, as appropriate, promote the maximization of benefits generated for the Pacific Island parties from the operations of fishing vessels of the United States licensed pursuant to this Treaty, including:

(a) The use of canning, trans-shipment, slipping and repair facilities located in the Pacific Island parties;

(b) The purchase of equipment and supplies, including fuel supplies, from suppliers located in the Pacific Island parties; and

(c) The employment of nationals of the Pacific Island parties on board licensed fishing vessels of the United States.

ARTICLE 3

ACCESS TO THE TREATY AREA

3.1 Fishing vessels of the United States shall be permitted to engage in fishing in the Licensing Area in accordance with the terms and conditions referred to in Annex I and licences issued in accordance with the procedures set out in Annex II.

3.2 It shall be a condition of any licence issued pursuant to this Treaty that the vessel in respect of which the licence is issued is operated in accordance with the requirements of Annex I. No fishing vessel of the United States shall be used for fishing in the Licensing Area without a licence issued in accordance with Annex II or in waters closed to fishing pursuant to Annex I, except in accordance with paragraph 3 of this article, or unless the vessel is used for fishing albacore tuna by the trolling method in high seas areas of the Treaty Area.

3.3 A Pacific Island party may permit fishing vessels of the United States to engage in fishing in waters under the jurisdiction of that party which are:

(a) Within the Treaty Area but outside the Licensing Area; or

(b) Except for purse seine vessels, within the Licensing Area but otherwise than in accordance with the terms and conditions referred to in Annex I,

in accordance with such terms and conditions as may be agreed from time to time with the owners of the said vessels or their representatives. In such a case, if the Pacific Island party gives notice to the Government of the United States of such arrangements, and if the Government of the United States concurs, the procedures of articles 4 and 5.6 shall be applicable to such arrangements.

ARTICLE 4

FLAG STATE RESPONSIBILITY

4.1 The Government of the United States shall enforce the provisions of this Treaty and licences issued thereunder. The Government of the United States shall take the necessary steps to ensure that nationals and fishing vessels of the United States refrain from fishing in the Licensing Area and in waters closed to fishing pursuant to Annex I, except as authorized in accordance with article 3.

4.2 The Government of the United States shall, at the request of the Government of a Pacific Island party, take all reasonable measures to assist that party in the investigation of an alleged breach of this Treaty by a fishing vessel of the United States and promptly communicate all the requested information to that party.

4.3 The Government of the United States shall ensure that:

(a) Each fishing vessel of the United States licensed pursuant to this Treaty is fully insured against all risks and liabilities;

(b) All measures are taken to facilitate:

- (i) Any claim arising out of the activities of a fishing vessel of the United States, including a claim for the total market value of any fish taken from the Licensing Area without authorization pursuant to this Treaty, and the prompt settlement of that claim;
- (ii) The service of legal process by or on behalf of a national or the Government of a Pacific Island party in any action arising out of the activities of a fishing vessel of the United States;
- (iii) The prompt and full adjudication in the United States of any claim made pursuant to this Treaty;
- (iv) The prompt and full satisfaction of any final judgement or other final determination made pursuant to this Treaty; and
- (v) The provision of a reasonable level of financial assurances, if, after consultation with the Government of the United States, all Pacific Island parties agree that the collection of any civil or criminal judgement or judgements or determination or determinations made pursuant to this Treaty has become a serious enforcement problem;

(c) An amount equivalent to the total value of any forfeiture, fine, penalty or other amount collected by the Government of the United States incurred as a result of any actions, judicial or otherwise, taken pursuant to this article is paid to the Administrator as soon as possible following the date that the amount is collected.

4.4 The Government of the United States shall, at the request of the Government of a Pacific Island party, fully investigate any alleged infringement of this Treaty involving a vessel of the United States, and report as soon as practicable and in any case within two months to that Government on that investigation and on any action taken or proposed to be taken by the Government of the United States in relation to the alleged infringement.

4.5 In the event that a report provided pursuant to paragraph 4 of this article shows that a fishing vessel of the United States:

(a) While fishing in the Licensing Area did not have a licence to fish in the Licensing Area, except in accordance with paragraph 2 of article 3; or

(b) Was involved in any incident in which an authorized officer or observer was allegedly assaulted with resultant bodily harm, physically threatened, forcefully resisted, refused boarding or subjected to physical intimidation or physical interference in the performance of his or her duties as authorized pursuant to this Treaty; or

that there was probable cause to believe that a fishing vessel of the United States:

(c) Was used for fishing in waters closed to fishing pursuant to Annex I, except as authorized in accordance with paragraph 3 of article 3;

(d) Was used for fishing in any Limited Area described in Annex I, except as authorized in accordance with that Annex I;

(e) Was used for fishing by any method other than the purse seine method, except in accordance with paragraph 2 of article 3;

(f) Was used for directed fishing for southern bluefin tuna or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch;

(g) Used an aircraft for fishing which was not identified on a form provided pursuant to Schedule 1 of Annex II in relation to that vessel; or

(h) Was involved in an incident in which evidence which otherwise could have been used in proceedings concerning the vessel has been intentionally destroyed;

and that such vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned leaves the Licensing Area and waters closed to fishing pursuant to Annex I immediately and does not return except for the purpose of submitting to the jurisdiction of the party, or after action has been taken by the Government of the United States to the satisfaction of that party.

4.6 In the event that a report provided pursuant to paragraph 4 of this article shows that a fishing vessel of the United States has been involved in a probable infringement of this Treaty, including an infringement of an applicable national law as identified in Schedule 1 of Annex I, other than an infringement of the kind described in paragraph 5 of this article, and that the vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned:

(a) Submits to the jurisdiction of that party; or

(b) Is penalized by the Government of the United States at such level as may be provided for like violations in United States law relating to foreign fishing vessels licensed to fish in the exclusive economic zone of the United States but not to exceed the sum of \$US 250,000.

4.7 Financial assurances provided pursuant to this Treaty may be drawn against by any Pacific Island party to satisfy any civil or criminal judgement or other determination in favour of a national or the Government of a Pacific Island party.

4.8 Prior to instituting any legal proceedings pursuant to this article concerning an alleged infringement of this Treaty in waters within the jurisdiction, for any purpose, as recognized by international law, of a Pacific Island party, the Government of the United States shall notify the Government of that Pacific Island party that such proceedings shall be instituted. Such notice shall include a statement of the facts believed to show an infringement of this Treaty and the nature of the proposed proceedings, including the proposed charges and the proposed penalties to be sought. The Government of the United States shall not institute such proceedings if the Government of that Pacific Island party objects within 30 days of the effective date of such notice.

4.9 The Government of the United States shall ensure that an agent is appointed and maintained in accordance with the requirements of subparagraphs (a) and (b) of this paragraph, with authority to receive and respond to any legal process issued by a Pacific Island party in respect of an operator of any fishing vessel of the United States (identified in the form set out in Schedule 1 of Annex II) and shall notify the Administrator of the name and address of such agent, who:

(a) Shall be located in Port Moresby for the purpose of receiving and responding to any legal process issued in accordance with this article; and

(b) Shall, within 21 days of notification that legal process has been issued in accordance with this article, travel to any Pacific Island party, at no expense to that party, for the purpose of receiving and responding to that process.

ARTICLE 5

COMPLIANCE POWERS

5.1 It is recognized that the respective Pacific Island parties may enforce the provisions of this Treaty and licences issued thereunder, including arrangements made pursuant to article 3.3 and licences issued thereunder, in waters under their respective jurisdictions.

5.2 The Governments of the Pacific Island parties shall promptly notify the Government of the United States of any arrest of a fishing vessel of the United States or any of its crew and of any charges filed or proceedings instituted following the arrest, in accordance with this article.

5.3 Fishing vessels of the United States and their crews arrested for breach of this Treaty shall be promptly released upon the posting of a reasonable bond or other security. Penalties applied in accordance with this Treaty for fishing violations shall not be unreasonable in relation to the offence and shall not include imprisonment or corporal punishment.

5.4 The Government of the United States shall not apply sanctions of any kind including deductions, however effected, from any amounts which might otherwise have been paid to any Pacific Island party, and restrictions on trade with any Pacific Island party, as a result of any enforcement measure taken by a Pacific Island party in accordance with this article.

5.5 The Governments of the parties shall adopt and inform the other parties of such provisions in their national laws as may be necessary to give effect to this Treaty.

5.6 Where legal proceedings have been instituted by the Government of the United States pursuant to article 4, no Pacific Island party shall proceed with any legal action in respect of the same alleged infringement as long as such proceedings are maintained. Where penalties are levied or proceedings are otherwise concluded by the Government of the United States pursuant to article 4, the Pacific Island party which has received notice of such final determination shall withdraw any legal charges or proceedings in respect of the same alleged infringement.

5.7 During any period in which a party is investigating any infringement of this Treaty involving a fishing vessel of the United States, being an infringement which is alleged to have taken place in waters within the jurisdiction, for any purpose, as recognized by international law, of a Pacific Island party, and if that Pacific Island party so notifies the other parties, any licence issued in respect of that vessel shall, for the purposes of article 3, be deemed not to authorize fishing in the waters of that Pacific Island party.

5.8 If full payment of any amount due as a result of a final judgement or other final determination deriving from an occurrence in waters within the jurisdiction, for any purpose, of a Pacific Island party is not made to that party within sixty (60) days, the licence for the vessel involved shall be suspended at the request of that party and that vessel shall not be authorized to fish in the Licensing Area until that amount is paid to that party.

ARTICLE 6

CONSULTATIONS AND DISPUTE SETTLEMENT

6.1 At the request of any party, consultations shall be held with any other party within sixty (60) days of the date of receipt of the request. All other parties shall be notified of the request for consultations and any party shall be permitted to participate in such consultations.

6.2 Any dispute between the Government of the United States and the Government of one or more Pacific Island parties in relation to or arising out of this Treaty may be submitted by any such party to an arbitral tribunal for settlement by arbitration no earlier than one hundred and twenty (120) days following a request for consultations under article 6.1. Unless the parties to the dispute agree otherwise, the Arbitration Rules of the United Nations Commission on International Trade Law, as at present in force, shall be used.

6.3 The Government or Governments of the Pacific Island party or parties to the dispute shall appoint one arbitrator and the Government of the United States shall appoint one arbitrator. The third arbitrator, who shall act as presiding arbitrator of the tribunal, shall be appointed by agreement of the parties to the dispute. In the event of a failure to appoint any arbitrator within the time period provided in the Rules, the arbitrator shall be appointed by the Secretary-General of the Permanent Court of Arbitration at The Hague.

6.4 Unless the parties to the dispute agree otherwise, the place of arbitration shall be Port Moresby. The tribunal may hold meetings at such other place or places within the territory of a Pacific Island party or elsewhere within the Pacific Islands region as it may determine. An award or other decision shall be final and binding on the parties to the arbitration, and, unless the parties agree otherwise, shall be made public. The parties shall promptly carry out any award or other decision of the tribunal.

6.5 The fees and expenses of the tribunal shall be paid half by the Government or Governments of the Pacific Island party or parties to the arbitration and half by the Government of the United States, unless the parties to the arbitration agree otherwise.

ARTICLE 7

REVIEW OF THE TREATY

7. The parties shall meet once each year for the purpose of reviewing the operation of this Treaty.

ARTICLE 8

AMENDMENT OF THE TREATY

8. The following procedures shall apply to the adoption and entry into force of any amendment to this Treaty:

- (a) Any party may propose amendments to this Treaty;
- (b) A proposed amendment shall be notified to the depositary not less than forty five (45) days before the meeting at which the proposed amendment will be considered;
- (c) The depositary shall promptly notify all parties of such proposal;
- (d) The parties shall consider proposed amendments to this Treaty at the annual meeting described in article 7, or at any other time that may be agreed by all parties;
- (e) Any amendment to this Treaty shall be adopted by the approval of all the parties, and shall enter into force upon receipt by the depositary of instruments of ratification, acceptance or approval by the parties;
- (f) The depositary shall promptly notify all parties of the entry into force of the amendment.

ARTICLE 9

AMENDMENT OF ANNEXES

9. The following procedures may apply to the adoption and entry into force of any amendment to an Annex of this Treaty, at the request of the party proposing the amendment, in lieu of the procedure set out in article 8, unless otherwise provided in the Annex:

(a) Any party may propose an amendment to an Annex of this Treaty at any time by notifying such proposal to the depositary, which shall promptly notify all parties of the proposed amendment;

(b) A party approving a proposed amendment to an Annex shall notify its acceptance to the depositary, which shall promptly notify all the parties of each acceptance. Upon receipt by the depositary of notices of acceptance from all parties, such amendment shall be incorporated in the appropriate Annex and shall have effect from that date, or from such other date as may be specified in such amendment. The depositary shall promptly notify all parties of the adoption of the amendment and its effective date.

ARTICLE 10

NOTIFICATION

10.1 The Administrator and each party shall notify the depositary of their current addresses for the receipt of notices given pursuant to this Treaty, and the depositary shall notify the Administrator and each of the parties of such addresses or any changes thereof. Unless otherwise specified in this Treaty, any notice given in accordance with this Treaty shall be in writing and may be served by hand or sent by telex or, where either method cannot readily be effected, by registered airmail to the address of the party or the Administrator as currently listed with the depositary.

10.2 Delivery by hand shall be effective when made. Delivery by telex shall be deemed to be effective on the business day following the day when the "answer back" appears on the sender's telex machine. Delivery by registered airmail shall be deemed to be effective twenty-one (21) days after posting.

ARTICLE 11

DEPOSITARY

11. The depositary for this Treaty shall be the Government of Papua New Guinea.

ARTICLE 12

FINAL CLAUSES

12.1 This Treaty shall be open for signature by the Governments of all the Pacific Island States and the Government of the United States of America.

12.2 This Treaty is subject to ratification by the States referred to in paragraph 1 of this article. The instruments of ratification shall be deposited with the depositary.

12.3 This Treaty shall remain open for accession by States referred to in paragraph 1 of this article. The instruments of accession shall be deposited with the depositary.

12.4 This Treaty shall enter into force upon receipt by the depositary of instruments of ratification by the Government of the United States and by the Governments of ten Pacific Island States which shall include the Federated States of Micronesia, the Republic of Kiribati and Papua New Guinea.

12.5 This Treaty shall enter into force for any State ratifying or acceding after the entry into force of this Treaty on the thirtieth day after the date on which its instrument of ratification or accession is received by the depositary.

12.6 This Treaty shall cease to have effect at the expiry of one year following the receipt by the depositary of an instrument signifying withdrawal or denunciation by the United States, any of the Pacific Island States named in article 12.4, or such number of Pacific Island States as would leave fewer than ten such States as parties.

12.7 This Treaty shall cease to have effect for a party at the expiry of the sixth month following the receipt by the depositary of an instrument signifying withdrawal or denunciation by that party, except that where this Treaty would cease to have effect under the last preceding paragraph as the result of the receipt of the said instrument, it shall cease to have effect for that party in the manner provided in the last preceding paragraph.

12.8 Any licence in force pursuant to this Treaty shall not cease to have effect as a result of this Treaty ceasing to have effect either generally or for any party, and articles 1, 3, 4 and 5 shall be regarded as continuing in force between the United States and the Pacific Island State party in respect of such licence until such licence expires in accordance with its terms.

12.9 No reservations may be made to this Treaty.

12.10 Paragraph 9 of this article does not preclude a State, when signing, ratifying or acceding to this Treaty, from making declarations or statements, provided that such declarations or statements do not purport to exclude or modify the legal effect of the provisions of this Treaty in their application to that State.

DONE at Port Moresby on the second day of April, 1987.

ANNEX I

PART 1

INTRODUCTORY

1. In this Annex:

(a) "applicable national law" means any provision of a law, however described, of a Pacific Island party which governs the fishing activities of foreign fishing vessels, being a law identified in Schedule 1, and which is not inconsistent with the requirements of this Treaty and shall be taken to exclude any provision which imposes a requirement which is also imposed by this Treaty;

(b) "Closed Area" means an area of a Pacific Island party as described in Schedule 2;

(c) "Limited Area" means an area described in Schedule 3; and

(d) "the vessel" means the vessel in respect of which a licence is issued.

2. Schedule 1 may be amended from time to time by the inclusion by any Pacific Island party of any applicable national law and, for the purposes of this Treaty, except as provided in this paragraph, the amendment shall take effect from the date that the amended Schedule has been notified to the Government of the United States. For the purposes of any obligation on the United States pursuant to paragraphs 4 and 5 of article 4, the amendment shall take effect sixty (60) days from the date that the amended Schedule has been notified to the Government of the United States. The Government of the Pacific Island party shall use its best endeavours to provide advance notice to the Government of the United States of the amendment.

3. Nothing in this Annex and its Schedules, nor acts or activities taking place thereunder, shall constitute recognition of the claims or the positions of any of the parties concerning the legal status and extent of waters and zones claimed by any party. In the claimed waters and zones, the freedoms of navigation and overflight and other uses of the sea related to such freedoms are to be exercised in accordance with international law.

PART 2

COMPLIANCE WITH APPLICABLE NATIONAL LAWS

4. The operator of the vessel shall comply with each of the applicable national laws, and shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

PART 3

PROHIBITIONS

5. The vessel shall not be used for directed fishing for southern bluefin tuna, or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch.
6. The vessel shall not be used for fishing by any method, except the purse seine method.
7. The vessel shall not be used for fishing in any Closed Area.
8. Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, no aircraft may be used in association with the fishing activities of the vessel unless it is identified in item 6 or 7 of Schedule 1 of Annex II.
9. The vessel shall not be used for fishing in any Limited Area except in accordance with the requirements set out in Schedule 3, which are applicable to that Limited Area.

PART 4

REPORTING

10. Information relating to the position of and catch on board the vessel, as described in Part 1 of Schedule 4, shall be provided by telex to the Administrator at the following times:
 - (a) Before departure from port for the purpose of beginning a fishing trip in the Licensing Area;
 - (b) Each Wednesday while within the Licensing Area or a Closed Area; and
 - (c) Before entry into port for the purpose of unloading fish from any trip involving fishing in the Licensing Area.
11. Information relating to the position of and catch on board the vessel, as described in Part 2 of Schedule 4, shall be provided to each Pacific Island party in the manner notified to the Government of the United States by that party as follows:
 - (a) At the time of entry into and of departure from waters which are, for any purpose, subject to the jurisdiction of the Pacific Island party;
 - (b) At least 24 hours prior to the estimated time of entry into any port of that party; and
 - (c) As otherwise set out in Part 3 of Schedule 4.

12. At the end of each day that the vessel is in the Licensing Area, an entry or entries for that day shall be completed on the catch report form as set out in Schedule 5, in accordance with the requirements of that form, and such forms shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the next entry into a port for the purpose of unloading its fish catch.

13. Immediately following the unloading of any fish from the vessel, a report shall be completed in the form set out in Schedule 6 and shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the completion of that unloading operation, or in the case of unloading by trans-shipment, within fourteen (14) days following unloading of that trans-shipment at the processing site.

PART 5

ENFORCEMENT

14. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorized and identified officer of a Pacific Island party, including to stop, to move to a specified location, and to facilitate safe boarding and inspection of the vessel, gear, equipment, records, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorized officer of a Pacific Island party and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorized officer in the performance of his or her duties.

15. The international distress frequency, 2.182 MHz, and 156.8 MHz (Channel 16, VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the surveillance and enforcement authorities of the parties.

16. The international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background, in the following manner:

(a) Amidships on both sides immediately below the gunwale, and on a horizontal plane on the superstructure, in letters and figures 20 centimetres apart, with each letter and figure being at least one metre high and 50 centimetres wide and with each line at least 12.5 centimetres wide;

(b) If a helicopter is being carried, on the body of the helicopter in a place clearly visible from sea level, in letters and figures five centimetres apart, with each letter and figure being at least 25 centimetres high, 10 centimetres wide and with each line being at least 2.5 centimetres wide; and

(c) On any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, in letters and figures clearly legible to the naked eye;

and at all times while the vessel is within the Licensing Area or a Closed Area, all parts of these markings shall be clear, distinct and uncovered.

17. The licence shall be carried on board the vessel and produced at the request of an authorized enforcement official of any of the parties. Prior to receipt of the licence, the correct citation of the licence number shall satisfy this requirement.

PART 6

OBSERVERS

18. The operator and each member of the crew of the vessel shall allow and assist any person identified as an observer by the Pacific Island parties to:

(a) Board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island parties to the Government of the United States;

(b) Have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and copying; and gather any other information relating to fisheries in the Licensing Area; without interfering unduly with the lawful operation of the vessel;

(c) Disembark at the point and time notified by the Pacific Island parties to the Government of the United States; and

(d) Carry out his or her duties safely;

and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

19. The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island parties, with food, accommodation and medical facilities of such reasonable standard as may be acceptable to the Pacific Island party whose representative is serving as the observer.

20. Any operator of the vessel from which any fish taken in the Licensing Area is unloaded shall allow, or arrange for, and assist any person authorized for this purpose by the Pacific Island parties to have full access to any place where such fish is unloaded, to remove samples and to gather any other information relating to fisheries in the Licensing Area.

21. An observer programme shall be conducted in accordance with this Treaty and provisions that may be agreed from time to time.

PART 7

MISCELLANEOUS REQUIREMENTS

22. At all times while the vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in such a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations; the helicopter, if any, shall be tied down, and launches shall be secured.

23. The vessel shall be operated in such a way that the activities of traditional and locally based fishermen and fishing vessels are not disrupted or in any other way adversely affected.

24. Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of this Treaty shall be true, complete and correct. Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Administrator immediately.

SCHEDULE 1

APPLICABLE NATIONAL LAWS

The following laws and any regulations or other instruments having the force of law which have been implemented pursuant to those laws, as amended at the time this Treaty enters into force, shall be considered as applicable national laws for the purposes of this Treaty.

Australia

Antarctic Marine Living Resources Conservation Act, 1981
Continental Shelf (Living Natural Resources) Act, 1968
Continental Shelf (Living Natural Resources) Regulations
Fisheries Act, 1952
Fisheries Regulations
Torres Strait Fisheries Act, 1984
Whale Protection Act, 1980

Cook Islands

Cook Islands Commercial Fishing Regulations, 1951
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1979
Fisheries Protection Act, 1976
Fishing Ordinance, 1950
Territorial Sea and Exclusive Economic Zone Act, 1977

Federated States of Micronesia

Titles 18 and 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-28, 2-31, 3-9, 3-10, 3-34, and 3-80

Fiji

Fisheries Act, 1942
Fisheries Ordinance (Cap 135)
Fisheries Regulations (Cap 135)
Marine Spaces Act, 1978
Marine Spaces (Foreign Fishing Vessels) Regulations, 1979

Kiribati

Fisheries Ordinance, 1979
Fisheries (Amendment) Act, 1984
Marine Zones (Declaration) Act, 1983

Marshall Islands

Marine Resources Jurisdiction Act, 1978
Marine Zones (Declaration) Act, 1984

Nauru

Interpretation Act, 1971
Interpretation Act, 1975
Marine Resources Act, 1978

New Zealand

Antarctic Marine Living Resources Act, 1981
Continental Shelf Act, 1984
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1978
Fisheries Act, 1983
Marine Mammals Protection Act, 1978
Territorial Sea and Exclusive Economic Act, 1977
Tokelau (Territorial Sea and Exclusive Economic Zone Act), 1977

Niue

Territorial Sea and Exclusive Economic Zone Act, 1978

Palau

Palau National Code, Title 27

Papua New Guinea

Fisheries Act (Cap 214)
Fisheries Regulations (Cap 214)
Fisheries (Torres Strait Protected Zone) Act, 1984
Tuna Resources Management (National Seas) Act (Cap 224)
Whaling Act (Cap 225)

Solomon Islands

Delimitation of Marine Waters Act, 1978
Fisheries Act, 1972
Fisheries Limits Act, 1977
Fisheries Regulations, 1972
Fisheries (Foreign Fishing Vessels) Regulations, 1981

Tonga

Fisheries Protection Act, 1973
Fisheries Regulation Act, 1923
Whaling Industry (Amendment) Act, 1979

Tuvalu

Fisheries Act (Cap 45)
Foreign Fishing Vessel Regulations, 1982
Fisheries (Foreign Fishing Vessel) (Amendment) Regulations, 1984
Marine Zones (Declaration) Act, 1983

Vanuatu

Fisheries Act, 1982
Fisheries Regulations, 1983
Maritime Zones Act, 1981

Western Samoa

Exclusive Economic Zone Act, 1977
Fisheries Protection Act, 1972
Territorial Sea Act, 1971

SCHEDULE 2

CLOSED AREAS

Australia. All waters within the seaward boundary of the Australian Fishing Zone (AFZ) west of a line connecting the point of intersection of the outer limit of the AFZ by the parallel of latitude 25° 30' south with the point of intersection of the meridian of longitude 151° east by the outer limit of the AFZ and all waters south of the parallel of latitude 25° 30' south.

Cook Islands. Territorial sea.

Federated States of Micronesia. Three-nautical-mile territorial sea and nine-nautical-mile exclusive fishery zone and on all named banks and reefs as depicted on the following charts:

- DMAHTC No. 81019 (2nd ed., Mar. 1945; revised 7/17/72; corrected through NM 3/78 of June 21, 1978).
- DMAHTC No. 81023 (3rd ed., Aug. 7, 1976).
- DMAHTC No. 81002 (4th ed., Jan. 26, 1980; corrected through NM 4/80).

Fiji. Internal waters, archipelagic waters and territorial seas of Fiji and Rotuma and its Dependencies.

Kiribati. Within archipelagic waters as established in accordance with Marine Zones Declaration Act 1983; within 12 nautical miles drawn from the baselines from which the territorial sea is measured; within 2 nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical co-ordinates.

Marshall Islands. Twelve-nautical-mile territorial sea and area within two nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical co-ordinates.

Nauru. The Territorial waters as defined by Nauru Interpretation Act, 1971, Section 2.

New Zealand. Territorial waters; waters within six nautical miles of outer boundary of territorial waters; all waters to west of New Zealand main islands and south of 39° south latitude; all waters to east of New Zealand main islands south of 40° south latitude; and in respect of Tokelau: areas within 12 nautical miles of all island and reef baselines; twelve-and-one-half nautical miles either side of a line joining Atafu and Nukunonu and Faka'ofu; and co-ordinates as follows:

Atafu: 8° 35' 10" S, 172° 29' 30" W
Nukunonu: 9° 06' 25" S, 171° 52' 10" W
 9° 11' 30" S, 171° 47' 00" W
Faka'ofu: 9° 22' 30" S, 171° 16' 30" W

Niue. Territorial sea and within three nautical miles of Beveridge Reef, Antiope Reef and Hanan Reef as depicted by appropriate symbols on NZ 225F (chart showing the territorial sea and exclusive economic zone of Niue pursuant to the Niue Territorial Sea and Exclusive Economic Zone Act of 1978).

Palau. Within 12 nautical miles of all island baselines in the Palau Islands; within a 50-nautical-mile arc measured from the entrance to Malakal Harbour (7° 16' 44" N, 134° 28' 18" E) and extending from where the arc intersects the territorial sea limit to the northeast of Babelthuap Island to the 134° east meridian of longitude, southwest of Angaur Island then due north along the 134° east meridian of longitude to the intersection with the territorial sea limit.

Papua New Guinea. In addition to its territorial sea and internal waters, within the area bounded by the following parallels and meridians - from latitude 0° 30' south to latitude 3° 30' south, and from longitude 149° east to longitude 153° east.

Solomon Islands. All waters within the fishery limits of the Solomon Islands (including internal waters, territorial sea and archipelagic waters) except that part of the fishery limits east and north of the following lines: commencing at a point 161° east, 4° 20' south, then extending due south along 161° to a point 6° 30' south, then by a line extending due east to a point 165° east, then by a line due south to a point 8° south, then by a line due east to a point 169° 55' east.

Tonga. All waters with depths of not more than 1,000 metres, within the area bounded by the fifteenth and twenty-third and one half degrees of south latitudes and the one hundred and seventy-third and the one hundred and seventy-seventh degrees of west longitudes; also within a radius of 12 nautical miles from the islands of Teleki Tonga and Teleki Tokelau.

Tuvalu. Territorial sea and waters within two nautical miles of all named banks, i.e. Macaw, Kosciusko, Rose, Bayonnaise and Hera, in Tuvalu EEZ, as depicted on the chart entitled "Tuvalu Fishery Limits" prepared by the United Kingdom Hydrographic Department, Taunton, January 11, 1981.

Vanuatu. Archipelagic waters and the territorial sea, and internal waters.

Western Samoa. Territorial sea; reefs, banks and areas bounded/enclosed by the following parallels and meridians to the extent such areas are within Western Samoa fisheries jurisdiction:

1. From latitude 12° 58' south to latitude 13° 11.5' south and longitude 174° 5.5' west to longitude 174° 26' west;
2. From latitude 12° 12' south to latitude 12° 38.5' south and longitude 173° 47' west to longitude 174° 25' west;
3. From latitude 13° 7' south to latitude 13° 19' south and longitude 172° 59' west to longitude 173° 38.5' west;
4. From latitude 14° 51' south to latitude 15° 3.4' south and longitude 172° 10.7' west to longitude 172° 19.1' west;
5. From latitude 14° 20.5' south to latitude 14° 28' south and longitude 171° 8' west to longitude 171° 17' west.

and within two nautical miles of any anchored fish aggregating device within the EEZ for which notification of its location shall be given by geographical co-ordinates.

* * *

Only the Closed Areas, as described above, of Pacific Island States which are parties to this Treaty shall be applicable under the terms of this Treaty.

SCHEDULE 3

LIMITED AREAS

Solomon Islands

1. The Solomon Islands Limited Area is all of the Licensing Area within the fishery limits of Solomon Islands as described in the Fishery Limits Act 1977 of Solomon Islands.
2. "Fishing day" means any day or part of a day of the week in which a vessel is used for fishing in the Solomon Islands Limited Area.
3. There shall be no fishing in the Solomon Islands Limited Area after the expiry of the five-hundredth fishing day from the earliest date on which any Licensing Period takes effect in any given year.

SCHEDULE 4

REPORTING DETAILS

PART 1

LICENSING AREA REPORTS TO THE ADMINISTRATOR

(a) Port departure and entry into port for unloading

(1) report type (LBEG for port departure to begin fishing and LFIN for port entry for unloading)

(2) date

(3) call sign

(4) port name

(5) catch on board by species (in short tons)

as: LBEG (or LFIN) / ddmmyy / CALL SIGN / PORT / SJ xxx YF
yyy OTH zzz

(b) Weekly reports

(1) report type (WEEK)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: WEEK / ddmmyy / CALL SIGN / LA 1111 / LO 11111 / SJ
xxx YF yyy OTH zzz

PART 2

REPORTS TO NATIONAL AUTHORITIES

(a) Zone entry and exit

(1) report type (ZENT for entry and ZEXT for exit)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: ZENT (or ZEXT) / ddmmyy / CALL SIGN / TIME / LA 1111 /
LO 11111 / SJ xxx YF yyy OTH zzz

(b) Port entry reports

(1) report type (PENT)

(2) date

(3) call sign

(4) estimated time of entry into port (GMT)

(5) port name

as: PENT / ddmmyy / CALL SIGN / TIME / PORT NAME

PART 3

OTHER NATIONAL REPORTING REQUIREMENTS

1. Australia

(a) Report of position each two days while within the Australian Fishing Zone;

(b) Twenty-four hours' notice of intention to enter the Australian Fishing Zone; and

(c) Report of catch by species every six days while within the Australian Fishing Zone.

2. Fiji

(a) While in Fiji fisheries waters, daily position reporting of the name, call sign, and country of registration of the craft, and its position at that specified time; and

(b) While in Fiji fisheries waters, weekly report of catch by species.

3. Kiribati

While in the Kiribati exclusive economic zone, report on entry into or exit from Closed Areas.

4. New Zealand

(a) While in the New Zealand exclusive economic zone, notification of daily noon positions, to be received no later than noon on the following day;

(b) Notice of catch on board the vessel at the time of entry into the New Zealand exclusive economic zone;

(c) A weekly report of catch taken in the New Zealand exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday; and

(d) Twenty-four hours' notice of intention to enter the New Zealand exclusive economic zone.

5. Solomon Islands

Report on:

(a) Expected vessel position, date and time of entry at least 24 hours before entry into the Solomon Islands Fishery Limits;

(b) Entry to or exit from Solomon Islands Limited Area together with the catch on board by weight and volume; and

(c) A weekly report of catch taken and fishing days in the Solomon Islands exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday.

6. Tonga

While in the Tonga exclusive economic zone, daily position report by radio or telex.

7. Tuvalu

(a) Report not less than 24 hours before entry into the Tuvalu fishery limits on:

- (i) The name, call sign and country of registration of the vessel;
- (ii) The licence number;
- (iii) Position on entry; and
- (iv) Catch by species.

SCHEDULE 6

PURSE SEINE UNLOADING LOGSHEET

VESSEL NAME _____ RADIO CALL SIGN OR REGIONAL REGISTER No. _____

(1) PORT _____

OR, IF AT SEA, POSITION: LAT _____ LONG _____

(2) DATES

(a) AT UNLOADING POINT

ARRIVAL _____ DEPARTURE _____

(b) AT UNLOADING

COMMENCEMENT _____ COMPLETION _____

(3) PARTIAL OR COMPLETE UNLOADING _____

(4) UNLOADING TO _____

(5)

(a) CARRIER VESSEL NAME _____

and RADIO CALL SIGN OR REGIONAL REGISTER No. _____

or

(b) NAME AND ADDRESS OF COMPANY ACCEPTING FISH _____

(6) DESTINATION OF FISH _____

(7) QUANTITY UNLOADED

	YELLOWFIN	SKIPJACK	BIGEYE	MARLIN	OTHER	UNIT OF MEASUREMENT
ACCEPTED	_____	_____	_____	_____	_____	_____
REJECTED	_____	_____	_____	_____	_____	_____

SIGNATURES

VESSEL MASTER

RECEIVING AGENT

ANNEX II

1. For the purposes of this Annex:

"Licensing Period" means the period of validity of licences issued in accordance with this Treaty.

2. The Government of the United States shall make application for a licence in respect of any fishing vessel of the United States intended by the operator to be used for purse seine fishing in the Licensing Area at any time in the Licensing Period by providing to the Administrator a complete application form as set out in Schedule 1.

3. Licences issued pursuant to this Treaty shall not take effect until the Administrator has received payment, free of any charges whatsoever, of the amounts set out in Part 1 of Schedule 2 for that Licensing Period in the manner described in that Schedule. Other financial commitments shall be provided during the Licensing Period pursuant to Part 2 of Schedule 2.

4. Subject to paragraph 5, a licence may be denied:

(a) Where the application is not in accordance with the requirements of paragraph 2;

(b) Where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Administrator;

(c) Where the vessel in respect of which application for a licence has been made does not have good standing on the Regional Register of Foreign Fishing Vessels, maintained by the South Pacific Forum Fisheries Agency, provided that:

(i) good standing is withdrawn only as a result of:

- a. the commission of a serious offence against fisheries laws or regulations of a Pacific Island State and the operator has not fully complied with any civil or criminal judgement rendered with respect to such an offence;
- b. evidence existing that gives reasonable cause to believe that the operator has committed a serious offence against the fisheries laws or regulations of any Pacific Island State and that it has not been possible to bring the vessel operator to trial; or
- c. the vessel operator has failed to comply with information requirements for registration as notified by the Administrator to the Government of the United States;

- (ii) the Pacific Island party requesting withdrawal of good standing has first consulted the Government of the United States and has made all reasonable efforts to resolve the dispute in question before utilizing the procedures for withdrawal of good standing;
- (iii) in the event of a request for withdrawal of good standing from the Regional Register of Foreign Fishing Vessels of a vessel licensed pursuant to this Treaty, the Pacific Island parties agree to take into consideration that vessel's compliance with the terms of this Treaty in determining whether to approve such a request; and
- (iv) following a withdrawal of good standing the Pacific Island party involved promptly advises the Government of the United States in writing of the reason for the withdrawal and the requirements which must be fulfilled to reinstate good standing;

(d) Where there has been a failure to satisfy a final judgement or other final determination for a breach of this Treaty by the owner, charterer or master of the vessel in respect of which application for a licence has been made, until such time as the final judgement or other final determination is satisfied, and subsequent change in ownership of a vessel shall not affect the application of this provision; or

(e) Where an operator has committed, or the vessel has been used for:

- (i) a violation of this Treaty, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that the violation is of a serious nature; or
- (ii) any violation of this Treaty on more than one occasion, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that such multiple violations constitute a serious disregard of this Treaty.

5. A maximum number of licences may be issued for any Licensing Period as set out in Schedule 2, and, upon request by the Government of the United States, the Pacific Island parties may agree to vary such number.

6. On receipt of an application for a licence in accordance with this Annex, the Administrator shall take the necessary steps to ensure that:

(a) A licence in the form set out in Schedule 3 in respect of the vessel identified in the application; or

(b) A statement setting out the reasons that a licence in respect of the vessel identified in the application is denied together with a refund of the amount or amounts provided with the application;

is promptly provided to the Government of the United States.

SCHEDULE 1

TREATY ON FISHERIES BETWEEN THE GOVERNMENT OF CERTAIN PACIFIC ISLAND STATES
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

APPLICATION FORM

Application is hereby made for a licence authorizing the use of the vessel named in this application for fishing in the Licensing Area.

1. FULL NAME OF VESSEL: _____
2. RADIO CALL SIGN OF VESSEL: _____
3. REGIONAL REGISTER NUMBER OF VESSEL: _____
4. FULL NAME AND ADDRESS OF EACH PERSON WHO IS AN OPERATOR OF THE VESSEL, AND STATE WHETHER OWNER, CHARTERER, MASTER OR OTHER. IF OTHER, SPECIFY DETAILS: _____

5. FULL NAME AND ADDRESS OF INSURER FOR PURPOSES OF ARTICLE 4.3(a) OF THE TREATY: _____

6. REGISTRATION NUMBER AND MAKE OF HELICOPTER, IF ANY, TO BE CARRIED ON VESSEL: _____

7. REGISTRATION NUMBER AND MAKE OF ANY AIRCRAFT TO BE USED IN ASSOCIATION WITH FISHING ACTIVITIES AND NAME AND ADDRESS OF OPERATOR: _____

8. STATE WHETHER OWNER OR CHARTERER IS THE SUBJECT OF PROCEEDINGS UNDER THE BANKRUPTCY LAWS OF THE UNITED STATES: _____

9. STATE WHETHER OPERATOR OR VESSEL HAS BEEN INVOLVED IN A VIOLATION OF THIS TREATY. IF YES, SPECIFY DETAILS: _____

Date of application

Director of the Southwest Region
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration

SCHEDULE 2

PAYMENTS

The following amounts are payable annually for a period of five (5) years pursuant to paragraph 3 of Annex II.

PART 1

1. The amounts payable as set forth in this paragraph.

(a) Annual industry payments shall be made as follows:

(i) For the first annual Licensing Period, a lump sum of \$US 1.75 million for 35 vessels, with the next five licences to be made available for the same pro-rata payment as the first 35 licences, and an additional 10 licences to be made available at \$US 60,000 per vessel;

(ii) For subsequent annual Licensing Periods, 40 vessel licences calculated on the same basis as the first 40 vessel licences in subparagraph (a) and indexed to the price of fish as set forth below, with 10 additional licences to be made available at \$US 60,000 per vessel and indexed to the price of fish as set forth below.

(b) The indexation shall be applied as follows:

(i) DEFINITIONS

a. Base Vessel Payment: The Base Vessel Payment is \$US 50,000 for the first 40 vessels to be licensed and \$US 60,000 for vessels to be licensed in excess of 40 vessels.

b. Adjusted Individual Vessel Payment: The Adjusted Individual Vessel Payment is the individual vessel payment of each annual Licensing Period after the first annual Licensing Period. The Adjusted Individual Vessel Payment will always apply to the Licensing Period immediately following its calculation.

c. Landed Price: The Landed Price is the published standard price per ton (American Tuna Sales Association) for fish delivered to American Samoa prevailing at the time a United States purse seine vessel arrives in port for the purpose of offloading its catch.

d. Average Landed Price: The Average Landed Price is calculated by averaging the established landed price categories for yellowfin and skipjack tuna in American Samoa. The landed price categories to be used are: over 7.5 pounds, 4 to 7.5 pounds and 3 to 4 pounds for skipjack; over 20 pounds, 7.5 to 20 pounds and 4 to 7.5 pounds for yellowfin.

- e. Base Price: The Base Price is the Average Landed Price for the three months prior to the Treaty entering into force.
- f. Estimated Landed Value: The Estimated Landed Value is the Average Landed Price in effect at the time of a vessel's Landing weighted by the yellowfin/skipjack mix ratio to be calculated from information on Schedule 6 for that vessel.
- g. Average Estimated Landed Value: The Average Estimated Landed Value is the Estimated Landed Value for all landings by United States purse seine vessels in American Samoa in the four quarters preceding the final quarter of the applicable Licensing Period divided by the total number of those landings for the same period.

(ii) CALCULATION AND APPLICATION OF INDEXING FACTOR

- a. To obtain the indexing factor by which the Adjusted Individual Vessel Payment shall be calculated, divide the Average Estimated Landed Value for the preceding four quarters by the Base Price.
- b. To obtain the Adjusted Individual Vessel Payment, multiply the Base Vessel Payment by the indexing factor obtained in paragraph (ii) a.
- c. In no case shall the Adjusted Individual Vessel Payment be less than the Base Vessel Payment.

(iii) NOTIFICATIONS

The established prices and any changes shall be supplied to the Administrator by the Government of the United States within ten (10) days of their publication. The Administrator shall notify the Government of the United States sixty (60) days before the start of each Licensing Period of the Adjusted Individual Vessel Payment along with the computation used to arrive at the Adjusted Individual Vessel Payment. The Adjusted Individual Vessel Payment shall become final thirty (30) days after receipt by the Government of the United States, unless the Government of the United States advises the Administrator otherwise, in which case consultations shall be held.

(iv) CONSULTATIONS

If the established price categories are revised, or if there is a change in the tuna industry structure which makes the price calculations as set forth above inappropriate, the Administrator may consult with representatives of the Government of the United States as necessary to revise the formula.

(c) There shall be no pro-ration of the Base Vessel Payment or the Adjusted Individual Vessel Payment. There shall be no refunds of the Base Vessel Payment or the Adjusted Individual Vessel Payment following licence issuance pursuant to Annex II.

2. Sums payable pursuant to the related Agreement between the South Pacific Forum Fisheries Agency and the Government of the United States.

PART 2

3. Technical assistance, including provision of assistance by technicians, by the United States tuna industry valued at \$US 250,000 annually in response to requests co-ordinated through the Administrator.

SCHEDULE 3

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

LICENCE FORM

The vessel described in this licence is hereby authorized to engage in fishing in the Licensing Area for the period described in this licence, in accordance with the terms and conditions referred to in Annex I.

FULL NAME OF VESSEL: _____

RADIO CALL SIGN OF VESSEL: _____

REGIONAL REGISTER NUMBER OF VESSEL: _____

HELICOPTER OR OTHER AIRCRAFT WHICH MAY BE USED IN ASSOCIATION WITH THE FISHING ACTIVITIES OF THE VESSEL: _____

PERIOD OF VALIDITY:

The period of validity of this licence shall be no longer than one year:

FROM _____, 19 _____

TO _____, 19 _____

FOR AND ON BEHALF OF THE PACIFIC
ISLAND PARTIES

DATE OF ISSUE: _____

LICENCE NUMBER: _____

WARNING: IT IS AN OFFENCE AGAINST THE LAWS OF MANY NATIONS, INCLUDING THE UNITED STATES OF AMERICA, TO VIOLATE THE REQUIREMENTS OF ANNEX I. PENALTIES MAY INCLUDE SUBSTANTIAL FINES AND VESSEL FORFEITURE.

(b) Convention for the Protection of the Natural Resources and Environment of the South Pacific Region

THE PARTIES,

FULLY AWARE of the economic and social value of the natural resources of the environment of the South Pacific Region;

TAKING INTO ACCOUNT the traditions and cultures of the Pacific people as expressed in accepted customs and practices;

CONSCIOUS of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations;

RECOGNIZING the special hydrological, geological and ecological characteristics of the region which require special care and responsible management;

RECOGNIZING FURTHER the threat to the marine and coastal environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the insufficient integration of an environmental dimension into the development process;

SEEKING TO ENSURE that resource development shall be in harmony with the maintenance of the unique environmental quality of the region and the evolving principles of sustained resource management;

REALIZING FULLY the need for co-operation amongst themselves and with competent international, regional and subregional organizations in order to ensure a co-ordinated and comprehensive development of the natural resources of the region;

RECOGNIZING the desirability for the wider acceptance and national implementation of international agreements already in existence concerning the marine and coastal environment;

NOTING, however, that existing international agreements concerning the marine and coastal environment do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and environmental degradation and do not entirely meet the special requirements of the South Pacific Region;

DESIROUS to adopt the regional convention to strengthen the implementation of the general objectives of the Action Plan for Managing the Natural Resources and Environment of the South Pacific Region adopted at Rarotonga, Cook Islands, on 11 March 1982;

HAVE AGREED AS FOLLOWS:

Article 1

GEOGRAPHICAL COVERAGE

1. This Convention shall apply to the South Pacific Region, hereinafter referred to as "the Convention Area" as defined in paragraph (a) of article 2.
2. Except as may be otherwise provided in any Protocol to this Convention, the Convention Area shall not include internal waters or archipelagic waters of the Parties as defined in accordance with international law.

Article 2

DEFINITIONS

For the purposes of this Convention and its Protocols unless otherwise defined in any such Protocol:

(a) The "Convention Area" shall comprise:

- (i) the 200-nautical-mile zones established in accordance with international law off:

American Samoa	Northern Mariana Islands
Australia (East Coast and Islands to eastward including Macquarie Island)	
Cook Islands	Palau
Federated States of Micronesia	Papua New Guinea
Fiji	Pitcairn Islands
French Polynesia	Solomon Islands
Guam	Tokelau
Kiribati	Tonga
Marshall Islands	Tuvalu
Nauru	Vanuatu
New Caledonia and Dependencies	Wallis and Futuna
New Zealand	Western Samoa
Niue	

- (ii) those areas of high seas which are enclosed from all sides by the 200-nautical-mile zones referred to in subparagraph (i);
- (iii) areas of the Pacific Ocean which have been included in the Convention Area pursuant to article 3;

(b) "dumping" means:

- any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;

- any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea;

"dumping" does not include:

- the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

- placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention;

(c) "wastes or other matter" means material and substances of any kind, form or description;

(d) The following wastes or other matter shall be considered to be non-radioactive: sewage sludge, dredge spoil, fly ash, agricultural wastes, construction materials, vessels, artificial reef building materials and other such materials, provided that they have not been contaminated with radio nuclides of anthropogenic origin (except dispersed global fall-out from nuclear weapons testing), nor are potential sources of naturally occurring radio nuclides for commercial purposes, nor have been enriched in natural or artificial radio nuclides;

If there is a question as to whether the material to be dumped should be considered non-radioactive, for the purposes of this Convention, such material shall not be dumped unless the appropriate national authority of the proposed dumper confirms that such dumping would not exceed the individual and collective dose limits of the International Atomic Energy Agency general principles for the exemption of radiation sources and practices from regulatory control. The national authority shall also take into account the relevant recommendations, standards and guidelines developed by the International Atomic Energy Agency;

(e) "vessels" and "aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft, whether self-propelled or not;

(f) "pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

In applying this definition to the Convention obligations, the Parties shall use their best endeavours to comply with the appropriate standards and recommendations established by competent international organizations, including the International Atomic Energy Agency;

(g) "Organization" means the South Pacific Commission;

(h) "Director" means the Director of the South Pacific Bureau for Economic Co-operation.

Article 3

ADDITION TO THE CONVENTION AREA

Any Party may add areas under its jurisdiction within the Pacific Ocean between the Tropic of Cancer and 60 degrees south latitude and between 130 degrees east longitude and 120 degrees west longitude to the Convention Area. Such addition shall be notified to the Depositary who shall promptly notify the other Parties and the Organization. Such areas shall be incorporated within the Convention Area ninety days after notification to the Parties by the Depositary, provided there has been no objection to the proposal to add new areas by any Party affected by that proposal. If there is any such objection the Parties concerned will consult with a view to resolving the matter.

Article 4

GENERAL PROVISIONS

1. The Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or subregional agreements, for the protection, development and management of the marine and coastal environment of the Convention Area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and through it to all Parties to this Convention.
2. Nothing in this Convention or its Protocols shall be deemed to affect obligations assumed by a Party under agreements previously concluded.
3. Nothing in this Convention and its Protocols shall be construed to prejudice or affect the interpretation and application of any provision or term in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.
4. This Convention and its Protocols shall be construed in accordance with international law relating to their subject-matter.
5. Nothing in this Convention and its Protocols shall prejudice the present or future claims and legal views of any Party concerning the nature and extent of maritime jurisdiction.
6. Nothing in this Convention shall affect the sovereign right of States to exploit, develop and manage their own natural resources pursuant to their own policies, taking into account their duty to protect and preserve the environment. Each Party shall ensure that activities within its jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of its national jurisdiction.

Article 5

GENERAL OBLIGATIONS

1. The Parties shall endeavour, either individually or jointly, to take all appropriate measures in conformity with international law and in accordance with this Convention and those Protocols in force to which they are party to prevent, reduce and control pollution of the Convention Area, from any source, and to ensure sound environmental management and development of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities. In doing so the Parties shall endeavour to harmonize their policies at the regional level.
2. The Parties shall use their best endeavours to ensure that the implementation of this Convention shall not result in an increase in pollution in the marine environment outside the Convention Area.
3. In addition to the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping and the Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region, the Parties shall co-operate in the formulation and adoption of other Protocols prescribing agreed measures, procedures and standards to prevent, reduce and control pollution from all sources or in promoting environmental management in conformity with the objectives of this Convention.
4. The Parties shall, taking into account existing internationally recognized rules, standards, practices and procedures, co-operate with competent global, regional and subregional organizations to establish and adopt recommended practices, procedures and measures to prevent, reduce and control pollution from all sources and to promote sustained resource management and to ensure the sound development of natural resources in conformity with the objectives of this Convention and its Protocols, and to assist each other in fulfilling their obligations under this Convention and its Protocols.
5. The Parties shall endeavour to establish laws and regulations for the effective discharge of the obligations prescribed in this Convention. Such laws and regulations shall be no less effective than international rules, standards and recommended practices and procedures.

Article 6

POLLUTION FROM VESSELS

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by discharges from vessels, and to ensure the effective application in the Convention Area of the generally accepted international rules and standards established through the competent international organization or general diplomatic conference relating to the control of pollution from vessels.

Article 7

POLLUTION FROM LAND-BASED SOURCES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other sources in their territory.

Article 8

POLLUTION FROM SEA-BED ACTIVITIES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting directly or indirectly from exploration and exploitation of the sea-bed and its subsoil.

Article 9

AIRBORNE POLLUTION

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting from discharges into the atmosphere from activities under their jurisdiction.

Article 10

DISPOSAL OF WASTES

1. The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by dumping from vessels, aircraft, or man-made structures at sea, including the effective application of the relevant internationally recognized rules and procedures relating to the control of dumping of wastes and other matter. The Parties agree to prohibit the dumping of radioactive wastes or other radioactive matter in the Convention Area. Without prejudice to whether or not disposal into the sea-bed and subsoil of wastes or other matter is "dumping", the Parties agree to prohibit the disposal into the sea-bed and subsoil of the Convention Area of radioactive wastes or other radioactive matter.

2. This article shall also apply to the continental shelf of a Party where it extends, in accordance with international law, outward beyond the Convention Area.

Article 11

STORAGE OF TOXIC AND HAZARDOUS WASTES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting from the storage of toxic and hazardous wastes. In particular, the Parties shall prohibit the storage of radioactive wastes or other radioactive matter in the Convention Area.

Article 12

TESTING OF NUCLEAR DEVICES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area which might result from the testing of nuclear devices.

Article 13

MINING AND COASTAL EROSION

The Parties shall take all appropriate measures to prevent, reduce and control environmental damage in the Convention Area, in particular coastal erosion caused by coastal engineering, mining activities, sand removal, land reclamation and dredging.

Article 14

SPECIALLY PROTECTED AREAS AND PROTECTION OF WILD FLORA AND FAUNA

The Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems and depleted, threatened or endangered flora and fauna as well as their habitat in the Convention Area. To this end, the Parties shall, as appropriate, establish protected areas, such as parks and reserves, and prohibit or regulate any activity likely to have adverse effects on the species, ecosystems or biological processes that such areas are designed to protect. The establishment of such areas shall not affect the rights of other Parties or third States under international law. In addition, the Parties shall exchange information concerning the administration and management of such areas.

Article 15

CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

1. The Parties shall co-operate in taking all necessary measures to deal with pollution emergencies in the Convention Area, whatever the cause of such emergencies, and to prevent, reduce and control pollution or the threat of pollution resulting therefrom. To this end, the Parties shall develop and promote individual contingency plans and joint contingency plans for responding to incidents involving pollution or the threat thereof in the Convention Area.

2. When a Party becomes aware of a case in which the Convention Area is in imminent danger of being polluted or has been polluted, it shall immediately notify other countries and territories it deems likely to be affected by such pollution, as well as the Organization. Furthermore it shall inform, as soon as feasible, such other countries and territories and the Organization of any measures it has itself taken to reduce or control pollution or the threat thereof.

Article 16

ENVIRONMENTAL IMPACT ASSESSMENT

1. The Parties agree to develop and maintain, with the assistance of competent global, regional and subregional organizations as requested, technical guidelines and legislation giving adequate emphasis to environmental and social factors to facilitate balanced development of their natural resources and planning of their major projects which might affect the marine environment in such a way as to prevent or minimize harmful impacts on the Convention Area.

2. Each Party shall, within its capabilities, assess the potential effects of such projects on the marine environment, so that appropriate measures can be taken to prevent any substantial pollution of, or significant and harmful changes within, the Convention Area.

3. With respect to the assessment referred to in paragraph 2, each Party shall, where appropriate, invite:

(a) Public comment according to its national procedures;

(b) Other Parties that may be affected to consult with it and submit comments.

The results of these assessments shall be communicated to the Organization, which shall make them available to interested Parties.

Article 17

SCIENTIFIC AND TECHNICAL CO-OPERATION

1. The Parties shall co-operate, either directly or with the assistance of competent global, regional and subregional organizations, in scientific research, environmental monitoring, and the exchange of data and other scientific and technical information related to the purposes of the Convention.

2. In addition, the Parties shall, for the purposes of this Convention, develop and co-ordinate research and monitoring programmes relating to the Convention Area and co-operate, as far as practicable, in the establishment and implementation of regional, subregional and international research programmes.

Article 18

TECHNICAL AND OTHER ASSISTANCE

The Parties undertake to co-operate, directly and when appropriate through the competent global, regional and subregional organizations, in the provision to other Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention Area, taking into account the special needs of the island developing countries and territories.

Article 19

TRANSMISSION OF INFORMATION

The Parties shall transmit to the Organization information on the measures adopted by them in the implementation of this Convention and of Protocols to which they are Parties, in such form and at such intervals as the Parties may determine.

Article 20

LIABILITY AND COMPENSATION

The Parties shall co-operate in the formulation and adoption of appropriate rules and procedures in conformity with international law in respect of liability and compensation for damage resulting from pollution of the Convention Area.

Article 21

INSTITUTIONAL ARRANGEMENTS

1. The Organization shall be responsible for carrying out the following secretariat functions:

- (a) To prepare and convene the meetings of Parties;
- (b) To transmit to the Parties notifications, reports and other information received in accordance with this Convention and its Protocols;
- (c) To perform the functions assigned to it by the Protocols to this Convention;
- (d) To consider enquiries by, and information from, the Parties and to consult with them on questions relating to this Convention and the Protocols;
- (e) To co-ordinate the implementation of co-operative activities agreed upon by the Parties;
- (f) To ensure the necessary co-ordination with other competent global regional and subregional bodies;
- (g) To enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions;
- (h) To perform such other functions as may be assigned to it by the Parties; and
- (i) To transmit to the South Pacific Conference and the South Pacific Forum the reports of ordinary and extraordinary meetings of the Parties.

2. Each Party shall designate an appropriate national authority to serve as the channel of communication with the Organization for the purposes of this Convention.

Article 22

MEETINGS OF THE PARTIES

1. The Parties shall hold ordinary meetings once every two years. Ordinary meetings shall review the implementation of this Convention and its Protocols and, in particular, shall:

(a) Assess periodically the state of the environment in the Convention Area;

(b) Consider the information submitted by the Parties under article 19;

(c) Adopt, review and amend as required annexes to this Convention and to its Protocols, in accordance with the provisions of article 25;

(d) Make recommendations regarding the adoption of any Protocols or any amendments to this Convention or its Protocols in accordance with the provisions of articles 23 and 24;

(e) Establish working groups as required to consider any matters concerning this Convention and its Protocols;

(f) Consider co-operative activities to be undertaken within the framework of this Convention and its Protocols, including their financial and institutional implications and to adopt decisions relating thereto;

(g) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its Protocols; and

(h) Adopt by consensus financial rules and budget, prepared in consultation with the Organization, to determine, inter alia, the financial participation of the Parties under this Convention and those Protocols to which they are party.

2. The organization shall convene the first ordinary meeting of the Parties not later than one year after the date on which the Convention enters into force in accordance with article 31.

3. Extraordinary meetings shall be convened at the request of any Party or upon the request of the Organization, provided that such requests are supported by at least two thirds of the Parties. It shall be the function of an extraordinary meeting of the Parties to consider those items proposed in the request for the holding of the extraordinary meeting and any other items agreed to by all the Parties attending the meeting.

4. The Parties shall adopt by consensus at their first ordinary meeting, rules of procedure for their meetings.

Article 23

ADOPTION OF PROTOCOLS

1. The Parties may, at a conference of plenipotentiaries, adopt Protocols to this Convention pursuant to paragraph 3 of article 5.
2. If so requested by a majority of the Parties, the Organization shall convene a conference of plenipotentiaries for the purpose of adopting Protocols to this Convention.

Article 24

AMENDMENT OF THE CONVENTION AND ITS PROTOCOLS

1. Any Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of two thirds of the Parties.
2. Any Party to this Convention may propose amendments to any Protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of two thirds of the Parties to the Protocol concerned.
3. A proposed amendment to the Convention or any Protocol shall be communicated to the Organization, which shall promptly transmit such proposal for consideration to all the other Parties.
4. A conference of plenipotentiaries to consider a proposed amendment to the Convention or any Protocol shall be convened not less than ninety days after the requirements for the convening of the Conference have been met pursuant to paragraphs 1 or 2, as the case may be.
5. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Parties to the Convention which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Parties to the Convention. Amendments to any Protocol shall be adopted by a three-fourths majority vote of the Parties to the Protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Parties to the Protocol.
6. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments shall enter into force between Parties having accepted such amendments on the thirtieth day following the date of receipt by the Depositary of the instruments of at least three fourths of the Parties to this Convention or to the Protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Party on the thirtieth day after the date on which that Party deposits its instruments.
7. After the entry into force of an amendment to this Convention or to a Protocol, any new Party to the Convention or such protocol shall become a Party to the Convention or Protocol as amended.

Article 25

ANNEXES AND AMENDMENT OF ANNEXES

1. Annexes to this Convention or to any Protocol shall form an integral part of the Convention or such Protocol respectively.

2. Except as may be otherwise provided in any Protocol with respect to its annexes, the following procedures shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to annexes to any Protocol:

(a) Any Party may propose amendments to the annexes to this Convention or annexes to any Protocol;

(b) Any proposed amendment shall be notified by the Organization to the Parties not less than sixty days before the convening of a meeting of the Parties unless this requirement is waived by the meeting;

(c) Such amendments shall be adopted at a meeting of the Parties by a three-fourths majority vote of the Parties to the instrument in question;

(d) The Depositary shall without delay communicate the amendments so adopted to all Parties;

(e) Any Party that is unable to approve an amendment to the annexes to this Convention or to annexes to any Protocol shall so notify in writing to the Depositary within one hundred days from the date of the communication of the amendment by the Depositary. A Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party;

(f) The Depositary shall without delay notify all Parties of any notification received pursuant to the preceding subparagraph; and

(g) On expiry of the period referred to in subparagraph (e) above, the amendment to the annex shall become effective for all Parties to this Convention or to the Protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph.

3. The adoption and entry into force of a new annex shall be subject to the same procedure as that for the adoption and entry into force of an amendment to an annex as set out in the provisions of paragraph 2, provided that, if any amendment to the Convention or the Protocol concerned is involved, the new annex shall not enter into force until such time as that amendment enters into force.

4. Amendments to the Annex on Arbitration shall be considered to be amendments to this Convention or its Protocols and shall be proposed and adopted in accordance with the procedures set out in article 24.

Article 26

SETTLEMENT OF DISPUTES

1. In case of a dispute between Parties as to the interpretation or application of this Convention or its Protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. If the Parties concerned cannot reach agreement, they should seek the good offices of, or jointly request mediation by, a third Party.

2. If the Parties concerned cannot settle their dispute through the means mentioned in paragraph 1, the dispute shall, upon common agreement, except as may be otherwise provided in any Protocol to this Convention, be submitted to arbitration under conditions laid down in the Annex on Arbitration to this Convention. However, failure to reach common agreement on submission of the dispute to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by means referred to in paragraph 1.

3. A Party may at any time declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure set out in the Annex on Arbitration. Such declaration shall be notified in writing to the Depositary who shall promptly communicate it to the other Parties.

Article 27

RELATIONSHIP BETWEEN THIS CONVENTION AND ITS PROTOCOLS

1. No State may become a Party to this Convention unless it becomes at the same time a Party to one or more Protocols. No State may become a Party to a Protocol unless it is, or becomes at the same time, a Party to this Convention.

2. Decisions concerning any Protocol pursuant to articles 22, 24 and 25 of this Convention shall be taken only by the Parties to the Protocol concerned.

Article 28

SIGNATURE

This Convention, the Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region, and the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping shall be open for signature at the South Pacific Commission Headquarters in Noumea, New Caledonia on 25 November 1986 and at the South Pacific Bureau for Economic Co-operation Headquarters, Suva, Fiji from 26 November 1986 to 25 November 1987 by States which were invited to participate in the Plenipotentiary Meeting of the High-Level Conference on the Protection of the Natural Resources and Environment of the South Pacific Region held at Noumea, New Caledonia from 24 November 1986 to 25 November 1986.

Article 29

RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention and any Protocol thereto shall be subject to ratification, acceptance or approval by States referred to in article 28. Instruments of ratification, acceptance or approval shall be deposited with the Director who shall be the Depository.

Article 30

ACCESSION

1. This Convention and any Protocol thereto shall be open to accession by the States referred to in article 28 as from the day following the date on which the Convention or Protocol concerned was closed for signature.
2. Any State not referred to in paragraph 1 may accede to the Convention and to any Protocol subject to prior approval by three fourths of the Parties to the Convention or the Protocol concerned.
3. Instruments of accession shall be deposited with the Depository.

Article 31

ENTRY INTO FORCE

1. This Convention shall enter into force on the thirtieth day following the date of deposit of at least ten instruments of ratification, acceptance, approval or accession.
2. Any Protocol to this Convention, except as otherwise provided in such Protocol, shall enter into force on the thirtieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of such Protocol, or of accession thereto, provided that no Protocol shall enter into force before the Convention. Should the requirements for entry into force of a Protocol be met prior to those for entry into force of the Convention pursuant to paragraph 1, such Protocol shall enter into force on the same date as the Convention.
3. Thereafter, this Convention and any Protocol shall enter into force with respect to any State referred to in articles 28 or 30 on the thirtieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 32

DENUNCIATION

1. At any time after two years from the date of entry into force of this Convention with respect to a Party, that Party may denounce the Convention by giving written notification to the Depositary.
2. Except as may be otherwise provided in any Protocol to this Convention, any Party may, at any time after two years from the date of entry into force of such Protocol with respect to that Party, denounce the Protocol by giving written notification to the Depositary.
3. Denunciation shall take effect ninety days after the date on which notification of denunciation is received by the Depositary.
4. Any Party which denounces this Convention shall be considered as also having denounced any Protocol to which it was a Party.
5. Any Party which, upon its denunciation of a Protocol, is no longer a Party to any Protocol to this Convention, shall be considered as also having denounced this Convention.

Article 33

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Parties, as well as the Organization:
 - (a) Of the signature of this Convention and of any Protocol thereto and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 29 and 30;
 - (b) Of the date on which the Convention and any Protocol will come into force in accordance with the provisions of article 31;
 - (c) Of notification of denunciation made in accordance with article 32;
 - (d) Of notification of any addition to the Convention Area in accordance with article 3;
 - (e) Of the amendments adopted with respect to the Convention and to any Protocol, their acceptance by the Parties and the date of their entry into force in accordance with the provisions of article 24; and
 - (f) Of the adoption of new annexes and of the amendments of any annex in accordance with article 25.
2. The original of this Convention and of any Protocol thereto shall be deposited with the Depositary who shall send certified copies thereof to the Signatories, the Parties, to the Organization and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six in a single copy in the English and French languages, the two texts being equally authentic.

ANNEX ON ARBITRATION

Article 1

Unless the agreement referred to in article 26 of the Convention provides otherwise, the arbitration procedure shall be in accordance with the rules set out in this Annex.

Article 2

The claimant Party shall notify the Organization that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2, or that paragraph 3 of article 26 of the Convention is applicable. The notification shall state the subject-matter of the arbitration and include the provisions of the Convention or any Protocol thereto, the interpretation or application of which is the subject of disagreement. The Organization shall transmit this information to all Parties to the Convention or Protocol concerned.

Article 3

1. The Tribunal shall consist of a single arbitrator if so agreed between the Parties to the dispute within thirty days from the date of receipt of the notification for arbitration.

2. In the case of the death, disability or default of the arbitrator, the Parties to a dispute may agree upon a replacement within thirty days of such death, disability or default.

Article 4

1. Where the Parties to a dispute do not agree upon a Tribunal in accordance with article 3 of this Annex, the Tribunal shall consist of three members:

(a) One arbitrator nominated by each Party to the dispute, and

(b) A third arbitrator who shall be nominated by agreement between the two first named and who shall act as its Chairman.

2. If the Chairman of a Tribunal is not nominated within thirty days of nomination of the second arbitrator, the Parties to a dispute shall, upon the request of one Party, submit to the Secretary-General of the Organization within a further period of thirty days, an agreed list of qualified persons. The Secretary-General shall select the Chairman from such list as soon as possible. He shall not select a Chairman who is, or has been, a national of one Party to the dispute except with the consent of the other Party to the dispute.

3. If one Party to a dispute fails to nominate an arbitrator as provided in subparagraph 1 (a) within sixty days from the date of receipt of the notification for arbitration, the other Party may request the submission to the Secretary-General of the Organization within a period of thirty days of an agreed list of qualified persons. The Secretary-General shall select the Chairman of the Tribunal from such list as soon as possible. The Chairman shall then request the Party which has not nominated an arbitrator to do so. If this Party does not nominate an arbitrator within fifteen days of such request, the Secretary-General shall, upon request of the Chairman, nominate the arbitrator from the agreed list of qualified persons.

4. In the case of the death, disability or default of an arbitrator, the Party to the dispute who nominated him shall nominate a replacement within thirty days of such death, disability or default. If the Party does not nominate a replacement, the arbitration shall proceed with the remaining arbitrators. In the case of the death, disability or default of the Chairman, a replacement shall be nominated in accordance with paragraphs 1 (b) and 2 within ninety days of such death, disability or default.

5. A list of arbitrators shall be maintained by the Secretary-General of the Organization and composed of qualified persons nominated by the Parties. Each Party may designate for inclusion in the list four persons who shall not necessarily be its nationals. If the Parties to the dispute have failed within the specified time-limits to submit to the Secretary-General an agreed list of qualified persons as provided for in paragraphs 2, 3 and 4, the Secretary-General shall select from the list maintained by him the arbitrator or arbitrators not yet nominated.

Article 5

The Tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 6

The Tribunal may, at the request of one of the Parties to the dispute, recommend interim measures of protection.

Article 7

Each Party to the dispute shall be responsible for the costs entailed by the preparation of its own case. The remuneration of the members of the Tribunal and of all general expenses incurred by the arbitration shall be borne equally by the Parties to the dispute. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof to the Parties.

Article 8

Any Party which has an interest of a legal nature which may be affected by the decision in the case may, after giving written notice to the Parties to the dispute which have originally initiated the procedure, intervene in the arbitration procedure with the consent of the Tribunal which should be freely given. Any intervenor shall participate at its own expense. Any such intervenor shall have the right to present evidence, briefs and oral arguments on the matter giving rise to its intervention, in accordance with procedures established pursuant to article 9 of this Annex, but shall have no rights with respect to the composition of the Tribunal.

Article 9

A Tribunal established under the provisions of this Annex shall decide its own rules of procedure.

Article 10

1. Unless a Tribunal consists of a single arbitrator, decisions of the Tribunal as to its procedure, its place of meeting, and any question related to the dispute laid before it shall be taken by majority vote of its members. However, the absence or abstention of any member of the Tribunal who was nominated by a Party to the dispute shall not constitute an impediment to the Tribunal reaching a decision. In case of equal voting, the vote of the Chairman shall be decisive.

2. The Parties to the dispute shall facilitate the work of the Tribunal and in particular shall, in accordance with their legislation and using all means at their disposal:

(a) Provide the Tribunal with all necessary documents and information, and

(b) Enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene of the subject-matter of the arbitration.

3. The failure of a Party to the dispute to comply with the provisions of paragraph 2 or to defend its case shall not preclude the Tribunal from reaching a decision and rendering an award.

Article 11

The Tribunal shall render its award within five months from the time it is established unless it finds it necessary to extend that time-limit for a period not to exceed five months. The award of the Tribunal shall be accompanied by a statement of reasons for the decision. It shall be final and without appeal and shall be communicated to the Secretary-General of the Organization, who shall inform the Parties. The Parties to the dispute shall immediately comply with the award.

(i) PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE SOUTH PACIFIC REGION
BY DUMPING

THE PARTIES TO THE PROTOCOL,

BEING PARTIES to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

RECOGNIZING the danger posed to the marine environment by pollution caused by the dumping of waste or other matter;

CONSIDERING that they have a common interest to protect the South Pacific Region from this danger, taking into account the unique environmental quality of the region;

DESIRING to enter into a regional agreement consistent with the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as provided in article VIII thereof, according to which the Contracting Parties to that Convention have undertaken to endeavour to act consistently with the objectives and provisions of such regional agreement;

HAVE AGREED AS FOLLOWS:

Article 1

DEFINITIONS

For the purpose of this Protocol "Convention" means the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia, on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six.

Article 2

GEOGRAPHICAL COVERAGE

The area to which this Protocol applies, hereinafter referred to as the "Protocol Area", shall be the Convention Area as defined in article 2 of the Convention together with the continental shelf of a Party where it extends, in accordance with international law, outward beyond the Convention Area.

Article 3

GENERAL OBLIGATIONS

1. The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Protocol Area by dumping.
2. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf of a Party as defined in international law shall not be carried out without the express prior approval of that Party, which has the right to permit, regulate and control such dumping taking fully into account the provisions of this Protocol, and after due consideration of the matter with other Parties which by reason of their geographical situation may be adversely affected thereby.

3. National laws, regulations and measures adopted by the Parties shall be no less effective in preventing, reducing and controlling pollution by dumping than the relevant internationally recognized rules and procedures relating to the control of dumping established within the framework of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

Article 4

PROHIBITED SUBSTANCES

1. The dumping in the Protocol Area of wastes or other matter listed in Annex I to this Protocol is prohibited except as provided in this Protocol.
2. No provision of this Protocol is to be interpreted as preventing a Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organization.

Article 5

SPECIAL PERMITS

The dumping in the Protocol Area of wastes or other matter listed in Annex II to this Protocol requires, in each case, a prior special permit.

Article 6

GENERAL PERMITS

The dumping in the Protocol Area of all wastes or other matter not listed in Annexes I and II to this Protocol requires a prior general permit.

Article 7

FACTORS GOVERNING THE ISSUE OF PERMITS

The permits referred to in articles 5 and 6 shall be issued only after careful consideration of all the factors set forth in Annex III to this Protocol. The Organization shall receive records of such permits.

Article 8

ALLOCATION OF SUBSTANCES TO ANNEXES

Substances are allocated to Annexes I and II of this Protocol in accordance with Annex IV.

Article 9

FORCE MAJEURE

The provisions of articles 4, 5 and 6 shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of force majeure caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures

at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life. Such dumping shall immediately be reported to the Organization and, either through the Organization or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 10

EMERGENCIES

1. A Party may issue a special permit as an exception to article 4, in emergencies arising in the Protocol Area, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organization which, after consulting other Parties, and international organizations as appropriate, shall in accordance with article 15 promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organization of the action it takes. The Parties pledge themselves to assist one another in such situations.

2. This article does not apply with respect to materials in whatever form produced for biological and chemical warfare referred to in paragraph 6 of Section A of Annex I.

3. Any Party may waive its rights under paragraph 1 at the time of, or subsequent to ratification, acceptance or approval of, or accession to this Protocol.

Article 11

ISSUANCE OF PERMITS

1. Each Party shall designate an appropriate authority or authorities to:
 - (a) Issue the special permits provided for in article 5 and in the emergency circumstances provided for in article 10;
 - (b) Issue the general permits provided for in article 6;
 - (c) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping; and
 - (d) Monitor individually, or in collaboration with other Parties, and competent international organizations, the condition of the Protocol Area for the purposes of this Protocol.

2. The appropriate authority or authorities of each Party shall issue the permits provided for in articles 5 and 6 and in the emergency circumstances provided for in article 10 in respect of the wastes or other matter intended for dumping:

(a) Loaded in its territory or at its offshore terminals; or

(b) Loaded by vessels flying its flag or vessels or aircraft of its registry when the loading occurs in the territory or at the offshore terminals of a State not party to this Protocol.

3. In issuing permits under paragraphs 1 (a) and (b) the appropriate authority or authorities shall comply with Annex III together with such additional criteria, measures and requirements as they may consider relevant.

Article 12

IMPLEMENTATION AND ENFORCEMENT

1. Each Party shall apply the measures required to implement this Protocol to all:

(a) Vessels flying its flag and vessels and aircraft of its registry;

(b) Vessels and aircraft loading in its territory or at its offshore terminals wastes or other matter which are to be dumped; and

(c) Vessels, aircraft and fixed or floating platforms believed to be engaged in dumping in areas under its jurisdiction.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Protocol.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Protocol particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Protocol.

4. This Protocol shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However, each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Protocol and shall inform the Organization accordingly.

Article 13

ADOPTION OF OTHER MEASURES

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping.

Article 14

REPORTING OF DUMPING INCIDENTS

Each Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Protocol area which give rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to the Organization and to any other Party concerned.

Article 15

INSTITUTIONAL ARRANGEMENTS

The Parties designate the Organization to carry out the following functions:

(a) To assist the Parties, upon request, in the communication of reports in accordance with articles 9 and 14;

(b) To convey to the Parties concerned all notifications received by the Organization in accordance with articles 4 (2) and 10;

(c) To transmit to the International Maritime Organization as the Organization responsible for the secretariat functions under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, records and any other information received in accordance with article 7;

(d) To keep itself informed on evolving international standards and the results of research and investigation, and to advise meetings of Parties to the Protocol of such developments and any modification of the Annexes which may become desirable; and

(e) To carry out other duties assigned to it by the Parties.

Article 16

MEETINGS OF THE PARTIES

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Parties to the Convention held pursuant to article 22 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 22 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol to:

(a) Keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;

(b) Study and consider the records of the permits issued in accordance with articles 5, 6, 7 and the emergency situation in article 10, and of the dumping which has taken place;

(c) Review and amend as required any annex to this Protocol taking into account Annex IV;

(d) Adopt as necessary guidelines for the preparation of records and procedures to be followed in submitting such records for the purposes of article 7;

(e) Develop, adopt and implement in consultation with the Organization and other competent international organizations procedures pursuant to article 10 including basic criteria for determining emergency circumstances and procedures for consultative advice and the safe disposal, storage or destruction of matter in such circumstances;

(f) Invite, as necessary, the appropriate scientific body or bodies to collaborate with and to advise the Parties and the Organization on any scientific or technical aspects relevant to this Protocol, including particularly the content and applicability of the Annexes; and

(g) Perform such other functions as may be appropriate for the implementation of this Protocol.

3. The adoption of amendments to the Annexes to this Protocol pursuant to article 25 of the Convention shall require a three-fourths majority vote of the Parties to this Protocol.

Article 17

RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 22 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Noumea, New Caledonia, on the twenty-fifth day of November in the year one thousand nine hundred and eighty-six, in a single copy in the English and French languages, the two texts being equally authentic.

ANNEX I

- A -

The following substances and materials are listed for the purposes of article 4 of this Protocol.

1. Organohalogen compounds.
2. Mercury and cadmium compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude oil and its wastes, refined petroleum products, petroleum distillate residues and any mixtures containing any of these taken on board for the purpose of dumping.
6. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases, or in a living state) produced for biological and chemical warfare.
7. Organophosphorous compounds.

- B -

Section A does not apply to substances, other than substances produced for biological or chemical warfare, which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- make edible marine organisms unpalatable; or
- endanger human health or that of marine biota.

The consultative procedure provided for under article 10 shall be followed by a Party if there is doubt about the harmlessness of the substance.

- C -

This Annex does not apply to wastes or other materials, such as sewage sludges and dredged spoils, containing the matters referred to in paragraphs 1 - 5 of Section A as trace contaminants. The dumping of such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of article 5 of this Protocol.

- A -

Wastes containing a significant amount of the matters listed below:

arsenic)
lead)
copper) and their compounds
zinc)

organosilicon compounds
cyanides
fluorides
pesticides and their by-products not covered in Annex I.

- B -

In the issue of permits for the dumping of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in section A to the following additional substances:

beryllium)
chromium)
nickel) and their compounds
vanadium)

- C -

Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account article 7 of this Protocol, include:

- A -

Characteristics and Composition of the Matter

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form, (e.g. solid, sludge, liquid, or gaseous).
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (e.g. fish, shellfish, etc.).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis and sufficient knowledge of the composition and characteristics of the waste or other matter proposed for dumping exist for assessing the impact of such material on the marine environment and human health.

- B -

Characteristics of Dumping Site and Method of Deposit

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.

5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution - dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD) - nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

- C -

General Considerations and Conditions

1. Possible effects on amenities (e.g. presence of floating or stranded materials, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structure, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

- D -

References

References should also be made to "Guidelines for the Implementation and Uniform Interpretation of Annex III" as adopted by the Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

ANNEX IV

ALLOCATION OF SUBSTANCES TO ANNEXES

1. Substances are allocated to Annexes I and II on the grounds of any combination of the following criteria:

Persistence and degradability,

Bioaccumulation potential,

Toxicity to marine life,

Toxicity to man, domestic animals, marine mammals and birds preying on marine organisms,

Carcinogenicity and mutagenicity,

Ability to interfere with other legitimate uses of the sea.

2. Annex I substances are those which have a high degree of persistence coupled with:

(a) The ability to accumulate to harmful levels in terms of toxicity to marine organisms and their predators, to domestic animals or to man; or

(b) The ability to accumulate through marine pathways to levels harmful in terms of carcinogenicity or mutagenicity to domestic animals or to man; or

(c) The ability to cause interference with fisheries, amenities or other legitimate uses of the sea.

3. Annex II substances are all those considered suitable for inclusion in the Annexes except for those allocated to Annex I.

(ii) PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION EMERGENCIES
IN THE SOUTH PACIFIC REGION

THE PARTIES TO THIS PROTOCOL,

BEING PARTIES to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

CONSCIOUS that the exploration, development and use of offshore and near-shore minerals and the use of hazardous substances, as well as related vessel traffic, pose the threat of significant pollution emergencies in the South Pacific Region;

AWARE that the islands of the region are particularly vulnerable to damage resulting from significant pollution due to the sensitivity of their ecosystems and their economic reliance on the continuous utilization of their coastal areas;

RECOGNIZING that in the event of a pollution emergency or threat thereof, prompt and effective action should be taken initially at the national level to organize and co-ordinate prevention, mitigation and clean-up activities;

RECOGNIZING FURTHER the importance of rational preparation and mutual co-operation and assistance in responding effectively to pollution emergencies or the threat thereof;

DETERMINED to avert ecological damage to the marine environment and coastal areas of the South Pacific Region through the adoption of national contingency plans to be co-ordinated with appropriate bilateral and subregional contingency plans;

HAVE AGREED as follows:

Article 1

DEFINITIONS

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia, on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

(b) "South Pacific Region" means the Convention Area as defined in article 2 of the Convention and adjacent coastal areas;

(c) "related interests" of a Party refer, inter alia, to:

(i) maritime, coastal, port, or estuarine activities;

- (ii) fishing activities and the management and conservation of living and non-living resources, including coastal ecosystems;
- (iii) the cultural value of the area concerned and the exercise of traditional customary rights therein;
- (iv) the health of the coastal population;
- (v) tourist and recreational activities;

(d) "pollution incident" means a discharge or significant threat of a discharge of oil or other hazardous substance, however caused, resulting in pollution or an imminent threat of pollution to the marine and coastal environment or which adversely affects the related interests of one or more of the Parties and of a magnitude that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating its threat.

Article 2

APPLICATION

This Protocol applies to pollution incidents in the South Pacific Region.

Article 3

GENERAL PROVISIONS

1. The Parties to this Protocol shall, within their respective capabilities, co-operate in taking all necessary measures for the protection of the South Pacific Region from the threat and effects of pollution incidents.
2. The parties shall, within their respective capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of preventing and combating pollution incidents, and reducing the risk thereof. Such means shall include the enactment, as necessary, of relevant legislation, the preparation of contingency plans, the development or strengthening of the capability to respond to a pollution incident and the designation of a national authority responsible for the implementation of this Protocol.

Article 4

EXCHANGE OF INFORMATION

Each Party shall periodically exchange with other Parties, either directly or through the Organization, current information relating to the implementation of this Protocol, including the identification of the officials charged with carrying out the activities covered by it, and information on its laws, regulations, institutions and operational procedures relating to the prevention and the means of reducing and combating the harmful effects of pollution incidents.

Article 5

COMMUNICATION OF INFORMATION CONCERNING, AND REPORTING OF,
POLLUTION INCIDENTS

1. Each Party shall establish appropriate procedures to ensure that information regarding pollution incidents is reported as rapidly as possible and shall, inter alia:

(a) Require appropriate officials of its government to report to it the occurrence of any pollution incident which comes to their attention;

(b) Require masters of vessels flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it the existence of any pollution incident involving their vessel or facilities;

(c) Establish procedures to encourage masters of vessels flying its flag or of its registry to report, to the extent practicable, the existence of any pollution incident involving their vessel to any coastal State in the South Pacific Region which they deem likely to be seriously affected;

(d) Request masters of all vessels and pilots of all aircraft operating in the vicinity of its coasts to report to it any pollution incident of which they are aware.

2. In the event of receiving a report regarding a pollution incident, each Party shall promptly inform all other Parties whose interests are likely to be affected by such incident as well as the flag State of any vessel involved in it. Each Party shall also inform the Organization and, directly or through the Organization, the competent international organizations. Furthermore, it shall inform, as soon as feasible, such other Parties and organizations of any measures it has itself taken to minimize or reduce pollution or the threat thereof.

Article 6

MUTUAL ASSISTANCE

1. Each Party requiring assistance to deal with a pollution incident may request, either directly or through the Organization, the assistance of the other Parties. The Party requesting assistance shall specify the type of assistance it requires. The Parties whose assistance is requested under this article shall, within their capabilities, provide this assistance based on an agreement with the requesting Party or Parties and taking into account, in particular in the case of pollution by hazardous substances other than oil, the technological means available to them. If the Parties responding jointly within the framework of this article so request, the Organization may co-ordinate the activities undertaken as a result.

2. Each Party shall facilitate the movement of technical personnel, equipment and material necessary for responding to a pollution incident, into, out of and through its territory.

Article 7

OPERATIONAL MEASURES

Each Party shall, within its capabilities, take steps including those outlined below in responding to a pollution incident:

(a) Make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;

(b) Promptly communicate information concerning the situation to other Parties and the Organization pursuant to article 5;

(c) Promptly determine its ability to take effective measures to respond to the pollution incident and the assistance that might be required and to communicate any request for such assistance to the Party or Parties concerned or the Organization in accordance with article 6;

(d) Consult, as appropriate, with other affected or concerned Parties or the Organization in determining the necessary response to a pollution incident;

(e) Carry out the necessary measures to prevent, eliminate or control the effects of the pollution incident, including surveillance and monitoring of the situation.

Article 8

SUBREGIONAL ARRANGEMENTS

1. The Parties should develop and maintain appropriate subregional arrangements, bilateral or multilateral, in particular to facilitate the steps provided for in articles 6 and 7 and taking into account the general provisions of this Protocol.

2. The Parties to any arrangements shall notify the other Parties to this Protocol as well as the Organization of the conclusion of such subregional arrangements and the provisions thereof.

Article 9

INSTITUTIONAL ARRANGEMENTS

The Parties designate the Organization to carry out the following functions:

(a) Assisting Parties, upon request, in the communication of reports of pollution incidents in accordance with article 5;

(b) Assisting Parties, upon request, in the organization of a response action to a pollution incident, in accordance with article 6;

- (c) Assisting Parties, upon request, in the following areas:
 - (i) the preparation, periodic review, and updating of the contingency plans, referred to in paragraph 2 of article 3, with a view, inter alia, to promoting the compatibility of the plans of the Parties; and
 - (ii) the identification of training courses and programmes;
- (d) Assisting the Parties upon request, on a regional or subregional basis, in the following areas:
 - (i) the co-ordination of emergency response activities; and
 - (ii) the provision of a forum for discussions concerning emergency response and other related topics;
- (e) Establishing and maintaining liaison with:
 - (i) appropriate regional and international organizations; and
 - (ii) appropriate private organizations, including producers and transporters of substances which could give rise to a pollution incident in the South Pacific Region and clean-up contractors and co-operatives;
- (f) Maintaining an appropriate current inventory of available emergency response equipment;
- (g) Disseminating information related to the prevention and control of pollution incidents and the removal of pollutants resulting therefrom;
- (h) Identifying or maintaining emergency response communications systems;
 - (i) Encouraging research by the Parties, as well as by appropriate international and private organizations, on the environmental effects of pollution incidents, the environmental effects of pollution incident control materials and other matters related to pollution incidents;
- (j) Assisting Parties in the exchange of information pursuant to article 4; and
- (k) Preparing reports and carrying out other duties assigned to it by the Parties.

Article 10

MEETINGS OF THE PARTIES

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Parties to the Convention, held pursuant to article 22 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided for in article 22 of the Convention.

2. It shall be the function of the meetings of the Parties:

(a) To review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;

(b) To consider any measures to improve co-operation under this Protocol including, in accordance with article 24 of the Convention, amendments to this Protocol.

Article 11

RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 22 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Noumea, New Caledonia, on the twenty-fifth day of November in the year one thousand nine hundred and eighty-six, in a single copy in the English and French languages, the two texts being equally authentic.

2. BILATERAL TREATIES

Agreement between the Government of the French Republic and
the Government of the Italian Republic on the Delimitation
of the Maritime Boundaries in the Area of the Strait of
Bonifacio, done at Paris on 28 November 1986

The Government of the French Republic and the Government of the Italian Republic,

Desiring to strengthen the ties of good-neighbourliness and friendship between the two countries,

Aware of the need to delimit, precisely and equitably, the maritime spaces over which the two States exercise or shall exercise, respectively, their sovereignty or sovereign rights,

Relying on the rules and principles of international law applicable in this matter,

Considering the "Agreement between France and Italy of 18 January 1908 for the purpose of determining the exclusive fishing zones for French and Italian fishermen, respectively, in the waters between Corsica and Sardinia",

Have agreed as follows:

Article 1

1. The demarcation line between the territorial waters of the two States in the area of the Strait of Bonifacio shall be defined by the loxodromic curves joining the following points, in the order in which they are listed, whose co-ordinates shall be:

	Longitude E	Latitude N
Point 1.....	008° 48' 49,2"	41° 15' 31,2"
Point 2.....	009° 08' 09,1"	41° 19' 09,0"
Point 3.....	009° 16' 15,0"	41° 17' 34,2"
Point 4.....	009° 19' 03,0"	41° 20' 13,8"
Point 5.....	009° 27' 03,6"	41° 24' 27,0"
Point 6.....	009° 37' 54,0"	41° 26' 04,8"

2. The geographical co-ordinates indicated in this article are expressed in the compensated European geodesic system (Europe 50).

3. The line defined in paragraph 1 is indicated on the map annexed to this Agreement.

Article 2

1. For the purpose of ensuring that this Agreement shall not interfere with the established fishing practices of the professional fishermen of the two countries, the Parties hereby agree, by way of neighbourly arrangement, to allow French and Italian coastal fishing vessels to continue their activities in the traditional fishing areas located within a zone defined as follows:

In the north, by the 41° 20' 40" parallel;
In the west, by the 9° meridian;
In the east, by the 9° 6' meridian;
In the south, by the 4° 16' 20" parallel.

2. The zone defined in paragraph 1 is indicated on the map referred to in article 1 above.

Article 3

1. The alignment of points 2 and 3 shall be marked in Italian territory by the two white-painted stonework pillars constructed pursuant to the Agreement of 18 January 1908, as follows:

A pillar eight metres high, erected on the site of the triangulation marker at Guardia del Turco;

A pillar 10 metres high, erected on the rocks of the southern tip of Budelli Island.

2. The alignment of points 3 and 4 shall be marked in Italian territory by the two white-painted stonework pillars constructed pursuant to the Agreement of 18 January 1908, as follows:

A pillar 10 metres high, erected on the rock 500 metres in front of the Contro di li Scala signal station;

A pillar 12 metres high, erected on the shore near Punta Marmorata.

Article 4

Each of the Parties shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement. This Agreement shall enter into force on the date of the later notification.

The "Agreement between France and Italy of 18 January 1908 for the purpose of determining the exclusive fishing zones for French and Italian fishermen, respectively, in waters between Corsica and Sardinia" shall be abrogated as of that date.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose, have signed this Agreement.

DONE at Paris, on 28 November 1986, in duplicate, in the French and Italian languages, both texts being equally authentic.

Agreement between the Government of the United Kingdom of
Great Britain and Northern Ireland and the Government of
the Union of Soviet Socialist Republics Concerning
the Prevention of Incidents at Sea beyond
the Territorial Sea*

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics;

Desiring to ensure the safety of navigation of the ships of their respective armed forces, and of the flight of their military aircraft beyond the territorial sea;

Acknowledging that actions prohibited by this Agreement should also not be taken against non-military ships of the Parties;

Guided by the principles and rules of international law;

Have agreed as follows:

ARTICLE I

For the purposes of this Agreement the following definitions shall apply:

1. "Ship" means:

(a) A warship belonging to the armed forces of the Parties bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government and whose name appears in the appropriate service list or its equivalent, and manned by a crew who are under regular armed forces discipline; and

(b) Auxiliary ships belonging to the armed forces of the Parties, which include all ships authorized to fly the auxiliary ship flag where such a flag has been established by either Party;

2. "Aircraft" means all military manned heavier-than-air and lighter-than-air craft, excluding space craft;

3. "Formation" means an ordered arrangement of two or more ships proceeding in company and normally manoeuvring together.

This Agreement shall apply to ships and aircraft operating beyond the territorial sea.

ARTICLE II

The Parties shall take measures to instruct the Commanding Officers of their respective ships to observe strictly the letter and spirit of the 1972 International Regulations for Preventing Collisions at Sea, 1/ hereinafter referred to as "the 1972 Collision Regulations". The Parties recognize that

* The Agreement entered into force on 15 July 1986.

1/ Treaty Series No. 77 (1977, Cmnd. 6962 as amended by Treaty Series No. 68 (1984), Cmnd. 9340).

their freedom to conduct operations beyond the territorial sea is based on the principles established under recognized international law and codified in the 1958 Geneva Convention on the High Seas. 2/

ARTICLE III

1. In all cases ships of the Parties operating in proximity to each other, except when required to maintain course and speed under the 1972 Collision Regulations, shall remain well clear to avoid risk of collision.

2. Ships meeting or operating in the vicinity of a formation of the other Party shall, while conforming to the 1972 Collision Regulations, avoid manoeuvring in a manner which would hinder the evolutions of the formation.

3. Formations shall not conduct manoeuvres through areas of heavy traffic where internationally recognized traffic separation schemes are in effect.

4. Ships engaged in surveillance of ships of the other Party shall stay at a distance which avoids the risk of collision and shall also avoid executing manoeuvres embarrassing or endangering the ships under surveillance. Except when required to maintain course and speed under the 1972 Collision Regulations, a surveillant shall take positive early action so as, in the exercise of good seamanship, not to embarrass or endanger ships under surveillance.

5. When ships of both Parties manoeuvre in sight of one another, such signals (flag, sound and light) as are prescribed by the 1972 Collision Regulations, the International Code of Signals and the Table of Special Signals set forth in the Annex to this Agreement shall be adhered to for signalling operations and intentions. At night or in conditions of reduced visibility, or under conditions of lighting and at such distances when signal flags are not distinct, flashing light or Very High Frequency Radio Channel 16 (156.8 MHz) should be used.

6. Ships of the Parties shall not simulate attacks by aiming guns, missile launchers, torpedo tubes and other weapons in the direction of passing ships of the other Party, nor launch any object in the direction of passing ships of the other Party in such a manner as to be hazardous to those ships or to constitute a hazard to navigation; nor use searchlights or other powerful illumination devices for the purpose of illuminating the navigation bridges of passing ships of the other Party.

Such actions shall also not be taken by ships of each Party against non-military ships of the other Party.

7. When conducting exercises with submerged submarines, supporting ships shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals set forth in the Annex to this Agreement, to warn ships of the presence of submarines in the area.

2/ Treaty Series No. 5 (1963), Cmd. 1929.

8. Ships of one Party, when approaching ships of the other Party conducting operations which in accordance with Rule 3 (g) of the 1972 Collision Regulations are restricted in their ability to manoeuvre, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment underway, shall take appropriate measures not to hinder manoeuvres of such ships and shall remain well clear.

ARTICLE IV

1. Commanders of aircraft of the Parties shall use the greatest caution and prudence in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit simulated attacks by the simulated use of weapons against aircraft and ships of the other Party, or the performance of aerobatics over ships of the other Party, or dropping objects near them in such a manner as to be hazardous to ships or to constitute a hazard to navigation.

Such actions shall also not be taken by aircraft of each Party against non-military ships of the other Party.

2. Aircraft of the Parties flying in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

ARTICLE V

The Parties shall take measures to notify the non-military ships of each Party about the provisions of this Agreement directed at securing mutual safety.

ARTICLE VI

The Parties shall provide through the established system of radio broadcasts of information and warning to mariners, normally not less than three to five days in advance, notification of actions beyond the territorial sea which represent a danger to navigation or to aircraft in flight.

ARTICLE VII

The Parties shall exchange in a timely manner appropriate information concerning instances of collisions, incidents which result in damage, and other incidents at sea between ships and aircraft of the Parties. The Royal Navy shall provide such information through the Soviet Naval or other Military Attaché in London and the Soviet Navy shall provide such information through the British Naval or other Military Attaché in Moscow.

ARTICLE VIII

This Agreement shall enter into force on the date of its signature. It may be terminated by either Party giving six months' written notice of termination to the other Party.

ARTICLE IX

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms, as well as possible ways of promoting a higher level of safety of navigation of their ships and flight of their aircraft beyond the territorial sea. Similar consultations shall be held thereafter annually, or more frequently as the Parties may decide.

IN WITNESS WHEREOF the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at London this 15th day of July, 1986, in the English and Russian languages, both texts being equally authoritative.

ANNEX

TABLE OF SPECIAL SIGNALS 1/

YANKEE VICTOR ONE (YV1)

The following signals are to be preceded by the above group:

<u>Signal</u>	<u>Meaning of Signals</u>
IR1	I am engaged in oceanographic operations.
IR2 (...)	I am streaming/towing hydrographic survey equipment meters astern.
IR3	I am recovering hydrographic survey equipment.
IR4	I am conducting salvage operations.
JH1	I am attempting to retract a grounded vessel.
MH1	Request you not cross my course ahead of me.
NB1 (...)	I have my unattached hydrographic survey equipment bearing in a direction from me as indicated (Table 3 of ICS).
PJ1	I am unable to alter course to my starboard.
PJ2	I am unable to alter course to my port.
PJ3	Caution, I have a steering casualty.
PP8 (...)	Dangerous operations in progress. Request you keep clear of the direction indicated from me (Table 3 of ICS).
QF1	Caution, I have stopped the engines.
QS6 (...)	I am proceeding to anchorage on course
QV2	I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.
QV3	I am anchored in deep water with hydrographic survey equipment streamed.
RT2	I intend to pass you on your port side.
RT3	I intend to pass you on your starboard side.
RT4	I will overtake you on your port side.
RT5	I will overtake you on your starboard side.
RT6 (...)	I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me.(Table 3 of ICS).
RT7 (...)	I shall approach your ship on starboard side to a distance of 100's of meters (yards).
RT8 (...)	I shall approach your ship on port side to a distance of 100's of meters (yards).
RT9 (...)	I shall cross astern at a distance of 100's of meters (yards).
RU2 (...)	I am beginning a port turn in approximately minutes.
RU3 (...)	I am beginning a starboard turn in approximatelyminutes.
RU4	The formation is preparing to alter course to port.

1/ Both Parties will issue mutually agreed instructions for the use of the signals of this Table. The representatives of the Parties may by mutual agreement introduce into this Table necessary alterations and additions.

Signals

Meaning of Signals

RU5	The formation is preparing to alter course to starboard.
RU6	I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.
RU7	I am preparing to submerge.
RU8	A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2	Request your course speed and passing intention.
TX1	I am engaged in fisheries patrol.
UY1 (...)	I am preparing to launch/recover aircraft on course
UY2 (...)	I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me (Table 3 of ICS).
UY3 (...)	I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me (Table 3 of ICS).
UY4	I am preparing to conduct/am conducting operations employing explosive charges.
UY5 (...)	I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated(Table 3 of ICS).
UY6 (...)	I am preparing to conduct/am conducting underway replenishment on course..... Request you remain clear.
UY7	I am preparing to conduct extensive small boat and ship-to-shore amphibious training operations.
UY8	I am manoeuvring to launch/recover landing craft/boats.
UY9	I am preparing to conduct/am conducting helicopter operations over my stern.
UY10	I am checking gunnery systems.*
UY11	I am checking rocket systems.*
UY12	I am preparing to conduct/I am conducting/gunnery exercises/bombing/by aircraft of the towed target. Request you keep clear of the direction indicated from me (Table 3 of ICS).
ZL1	I have received and understood your signal.
ZL2	Do you understand? Request acknowledgement.

* Those signals are transmitted by ships when they conduct their routine checking work and testings of gunnery and rocket rotating mechanisms, the activities provided for by certain technical requirements.

Maritime Delimitation Treaty between Colombia and Honduras

The Government of the Republic of Colombia and the Government of the Republic of Honduras,

Reaffirming the friendship bonds that rule the relationships between the two States and aware of the need to establish a marine frontier between the two States;

Have decided to execute a Treaty and for such purpose have appointed their plenipotentiaries:

His Excellency the President of the Republic of Colombia appoints Dr. August Ramírez Ocampo, Minister of Foreign Affairs; His Excellency the President of the Republic of Honduras appoints Mr. Carlos López Contreras, Attorney, Secretary of Foreign Affairs,

Who have entered the following agreement:

Article I

The marine frontier between the Republic of Colombia and the Republic of Honduras is constituted by geodetic lines that connect the points located in the following co-ordinates:

Point No. 1	Lat. 14° 59' 08" N	Long. 82° 00' 00" W
No. 2	Lat. 14° 59' 08" N	Long. 79° 56' 00" W
No. 3	Lat. 15° 30' 10" N	Long. 79° 56' 00" W
No. 4	Lat. 15° 46' 00" N	Long. 80° 03' 55" W
No. 5	Lat. 15° 58' 40" N	Long. 79° 56' 40" W

Between points 4 and 5, the marine frontier shall be constituted by a circular line, the radius of which shall be measured from a point located in co-ordinates 15° 47' 50" N and 79° 51' 20" W.

No. 6 Lat. 16° 04' 15" N Long. 79° 50' 32" W

From the above point, the marine frontier shall continue towards the west by parallel 16° 04' 15" N, up to the point where a delimitation must be made with a third State.

The marine frontier agreed upon is indicated only for illustration purposes in the nautical chart No. 28000, published by the Defense Mapping Agency Hydrographic/Topographic Center, Washington D.C., 74th Edition, March 30, 1985, which, duly signed by the Plenipotentiaries, is attached to the foregoing Treaty, in the understanding that in all events, the contents of the same shall prevail.

Article II

The delimitation stated in the above article shall not overrule the layout of the marine frontiers which have been established or can be established in the future between any of the Parties herein and third States, as long as said layout does not affect the jurisdiction acknowledged to the other contracting Party by the foregoing instrument.

Article III

The hydrocarbons or natural gas deposits or fields which are found on both sides of the line established shall be exploited in a manner [such] that the distribution of the volumes of the resource extracted from said deposit or field is proportional to the volume of the same which is correspondingly found on each side of the line.

Article IV

Any disagreement between the contracting Parties regarding the interpretation and application of the foregoing Treaty shall be decided by the pacific means established in international law.

2 August 1986

Agreement between the Socialist Republic of the Union of Burma and the Republic of India on the Delimitation of the Maritime Boundary in the Andaman Sea, in the Coco Channel and in the Bay of Bengal

THE SOCIALIST REPUBLIC OF THE UNION OF BURMA AND THE REPUBLIC OF INDIA,

DESIRING TO strengthen the existing historical bonds of friendship between the two countries,

DESIRING to delimit by mutual agreement the maritime boundary between the two countries in the Andaman Sea, in the Coco Channel and in the Bay of Bengal,

HAVE AGREED as follows:

ARTICLE I

The maritime boundary between Burma and India in the Andaman Sea and in the Coco Channel is the straight lines connecting points 1 to 14, the geographical co-ordinates of which are in the sequence given below:

<u>Points</u>	<u>Latitude north</u>	<u>Longitude east</u>
1	09° 38' 00"	95° 35' 25"
2	09° 53' 14"	95° 28' 00"
3	10° 18' 42"	95° 16' 02"
4	10° 28' 00"	95° 15' 58"
5	10° 44' 53"	95° 22' 00"
6	11° 43' 17"	95° 26' 00"
7	12° 19' 43"	95° 30' 00"
8	12° 54' 07"	95° 41' 00"
9	13° 48' 00"	95° 02' 00"
10	13° 48' 00"	93° 50' 00"
11	13° 34' 18"	93° 40' 59"
12	13° 49' 11"	93° 08' 05"
13	13° 57' 29"	92° 54' 50"
14	14° 00' 59"	92° 50' 02"

The extension of the maritime boundary beyond point 1 up to the maritime boundary trijunction point between Burma, India and Thailand will be done subsequently after the trijunction point is established by agreement between the three countries.

Article II

The Maritime Boundary between Burma and India in the Bay of Bengal is the straight lines connecting points 14 to 16, the geographical co-ordinates of which are in the sequence given below:

<u>Points</u>	<u>Latitude north</u>	<u>Longitude east</u>
14	14° 00' 59"	92° 50' 02"
15	14° 17' 42"	92° 24' 17"
16	15° 42' 50"	90° 14' 01"

The extension of the maritime boundary beyond point 16 in the Bay of Bengal will be done subsequently.

ARTICLE III

The co-ordinates of the points specified in articles I and II are the geographical co-ordinates and the straight lines connecting them are as indicated in Indian Chart No. 41 of 1 December 1979 (Andaman Sea) and Indian Chart No. 31 of 1 November 1976 (Bay of Bengal) annexed hereto, which form an integral part of this Agreement and which have been signed by the competent authorities of the two Parties.

ARTICLE IV

The actual location at sea and on the sea-bed and on the continental shelf of the points specified in articles I and II shall be determined by a method to be mutually agreed upon by the Hydrographic Surveyors authorized for the purpose by the two Parties.

ARTICLE V

Each Party has sovereignty over the existing islands and any islands that may emerge, falling on its side of the maritime boundary.

ARTICLE VI

Each Party has sovereignty, sovereign rights and jurisdictions in its respective maritime zones, falling on its side of the maritime boundary, in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea, 1982.

ARTICLE VII

Any dispute concerning the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation between the two Parties.

ARTICLE VIII

This Agreement shall be ratified in accordance with the constitutional requirements of each Party. It shall enter into force on the date of the exchange of the instruments of ratification, which will take place at New Delhi as soon as possible.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Rangoon, this twenty-third day of December, one thousand nine hundred and eighty-six, in duplicate, each being drawn up in three authentic texts in the Burmese, Hindi and English languages. In the event of any conflict between the texts the English text shall prevail.

NAVY DEPARTMENT, WASHINGTON, D. C. 20370
GPO : 1964 O - 350-000



ANDAMAN SEA

COMPILED FROM VARIOUS HYDROGRAPHIC SERVICES TO
1958 (unless noted)

Originally from Survey of India charts

All depths are converted to Mean Sea Level

DEPTH IN METERS

NATURAL SCALE (UNADJUSTED LATITUDE)

Projection: Mercator

NOTES
1. This chart is a compilation of information from various sources and is not intended to be used as a basis for navigation.
2. The information on this chart is not intended to be used as a basis for navigation.
3. The information on this chart is not intended to be used as a basis for navigation.

LEGEND
SOUNDINGS
1. Soundings in meters
2. Soundings in fathoms
3. Soundings in feet
4. Soundings in feet and inches
5. Soundings in feet and inches and tenths
6. Soundings in feet and inches and tenths and hundredths
7. Soundings in feet and inches and tenths and hundredths and thousandths
8. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths
9. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths
10. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths
11. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths
12. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths
13. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths
14. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths and ten-billionths
15. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths and ten-billionths and hundred-billionths
16. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths and ten-billionths and hundred-billionths and trillionths
17. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths and ten-billionths and hundred-billionths and trillionths and ten-trillionths
18. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths and ten-billionths and hundred-billionths and trillionths and ten-trillionths and hundred-trillionths
19. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths and ten-billionths and hundred-billionths and trillionths and ten-trillionths and hundred-trillionths and quadrillionths
20. Soundings in feet and inches and tenths and hundredths and thousandths and ten-thousandths and hundred-thousandths and millionths and ten-millionths and hundred-millionths and billionths and ten-billionths and hundred-billionths and trillionths and ten-trillionths and hundred-trillionths and quadrillionths and ten-quadrillionths

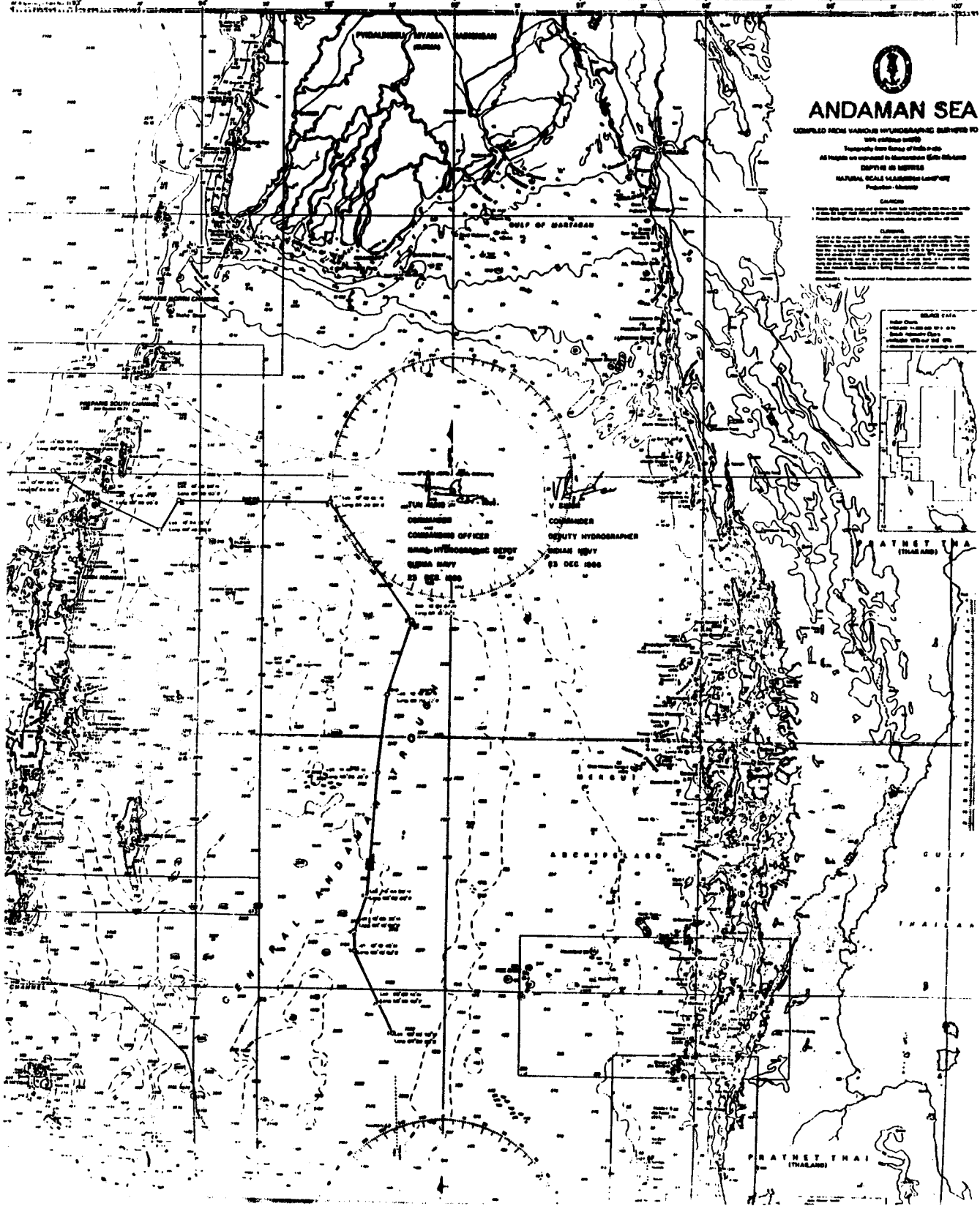


FOR INFO OF THE
COMMANDER
COMMANDER OFFICE
NAVY HYDROGRAPHIC DEPT
NAVY NAVY
23 DEC 1964

COMMANDER
DEPUTY HYDROGRAPHER
NAVY NAVY
23 DEC 1964

ATINSET 11A
(THAILAND)

PRAYET THAI
(THAILAND)



D. Resolution and decision of interest

Economic and Social Council resolution and decision

1987/84. Economic and technical aspects of marine affairs

The Economic and Social Council,

Recalling its resolutions 1980/68 of 25 July 1980 on co-operation in the uses of the sea and coastal area development, 1983/48 of 28 July 1983 on marine affairs and 1985/75 of 26 July 1985 on economic and technical aspects of marine affairs,

Convinced that the resources of the ocean represent an important existing and potential contribution to development,

Noting the growing interest of Member States, in particular developing countries, in developing their marine resources,

1. Takes note of the report of the Secretary-General entitled "Development of marine areas under national jurisdiction: problems and approaches in policy-making, planning and management"; 1/
2. Recognizes the need for the development of national marine plans, particularly by developing countries, within a framework of an integrated and comprehensive approach, taking fully into account intersectoral aspects of marine resources development;
3. Invites the organs, organizations and bodies of the United Nations system to continue to provide, within their mandates and terms of reference, assistance to developing countries in their assessment of the economic, scientific, technical, financial and human resources aspects of marine affairs, with a view to strengthening the capabilities for the implementation of their national marine policies and plans, particularly those relating to international co-operation in that field;
4. Requests the Secretary-General to continue to study global, regional and national developments, in the context of international co-operation related to marine affairs;
5. Requests the Secretary-General to provide, in his report to be submitted to the Council at its second regular session of 1989, an account of the measures taken to respond to the needs of Member States, particularly those of the developing countries, in this field.

36th plenary meeting
8 July 1987

1987/181. Development of marine areas under national jurisdiction

At its 36th plenary meeting, on 8 July 1987, the Economic and Social Council took note with satisfaction of the report of the Secretary-General entitled "Development of marine areas under national jurisdiction: problems and approaches in policy-making, planning and management" 1/ and endorsed the conclusions and recommendations in the report concerning the establishment of a programme of assistance to Member States, within the limits of existing resources.

1/ E/1987/69.

III. INFORMATION ABOUT THE PREPARATORY COMMISSION

The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, established by resolution I of the Third United Nations Conference on the Law of the Sea, held its fifth regular session at Kingston from 30 March to 16 April 1987 and its meeting in New York from 27 July to 21 August 1987.

As of the closing date of signature, 10 December 1984, a total of 159 States or entities had signed the Convention and, under resolution I, paragraph 2, had become members of the Preparatory Commission. Under rule 2 of the rules of procedure of the Preparatory Commission, 15 States or entities became observers, having signed the Final Act. Other States or entities which have signed neither the Convention nor the Final Act might be invited to attend the meetings of the Preparatory Commission as observers.

A. Table of members, observers and participants of the Preparatory Commission^{a/}

Fifth session (Kingston and New York)

STATES	<u>Kingston</u> ^{b/}		<u>New York</u> ^{c/}	
	Member/ Observer	Participant	Member/ Observer	Participant
Afghanistan	M		M	
Albania				
Algeria	M	x	M	x
Angola	M	x	M	x
Antigua and Barbuda	M		M	
Argentina	M	x	M	x
Australia	M	x	M	x
Austria	M	x	M	x
Bahamas	M		M	
Bahrain	M		M	
Bangladesh	M	x	M	x
Barbados	M		M	
Belgium	M	x	M	x
Belize	M		M	
Benin	M		M	
Bhutan	M	x	M	x
Bolivia	M	x	M	x
Botswana	M		M	
Brazil	M	x	M	x
Brunei Darussalam	M		M	
Bulgaria	M	x	M	x
Burkina Faso	M	x	M	x
Burma	M	x	M	x
Burundi	M		M	
Byelorussian SSR	M	x	M	x
Cameroon	M	x	M	x
Canada	M	x	M	x
Cape Verde	M	x	M	x
Central African Republic	M		M	
Chad	M		M	x

^{a/} States and other entities which are members or observers of the Preparatory Commission as defined in resolution I, paragraph 2, of the Third United Nations Conference on the Law of the Sea are indicated by an "M" for members or an "O" for observers. States or entities which did not sign the Convention and the Final Act of the United Nations Conference on the Law of the Sea are left blank. Those States or entities indicated by an "x" participated in the session or the meeting.

^{b/} Held from 30 March to 16 April 1987 at Kingston.

^{c/} Held from 27 July to 21 August 1987 in New York.

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Chile	M	x	M	x
China	M	x	M	x
Colombia	M	x	M	x
Comoros	M		M	
Congo	M		M	
Costa Rica	M	x	M	x
Côte d'Ivoire	M	x	M	x
Cuba	M	x	M	x
Cyprus	M		M	
Czechoslovakia	M	x	M	x
Democratic Kampuchea	M		M	
Democratic People's Rep. of Korea	M	x	M	x
Democratic Yemen	M	x	M	x
Denmark	M	x	M	x
Djibouti	M		M	
Dominica	M		M	
Dominican Republic	M		M	
Ecuador	O		O	x
Egypt	M	x	M	x
El Salvador	M		M	x
Equatorial Guinea	M		M	
Ethiopia	M	x	M	
Fiji	M		M	x
Finland	M	x	M	x
France	M	x	M	x
Gabon	M	x	M	x
Gambia	M		M	
German Democratic Republic	M	x	M	x
Germany, Federal Republic of	O	x	O	x
Ghana	M	x	M	x
Greece	M	x	M	x
Grenada	M		M	
Guatemala	M		M	
Guinea	M		M	
Guinea-Bissau	M	x	M	x
Guyana	M	x	M	x
Haiti	M		M	
Holy See	O	x	O	
Honduras	M		M	
Hungary	M	x	M	x

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Iceland	M		M	
India	M	x	M	x
Indonesia	M	x	M	x
Iran (Islamic Republic of)	M	x	M	x
Iraq	M		M	x

Ireland	M	x	M	x
Israel	O	x	O	x
Italy	M	x	M	x
Jamaica	M	x	M	x
Japan	M	x	M	x

Jordan	O		O	
Kenya	M	x	M	x
Kiribati				
Kuwait	M	x	M	x
Lao People's Democratic Rep.	M		M	

Lebanon	M		M	
Lesotho	M		M	
Liberia	M	x	M	
Libyan Arab Jamahiriya	M		M	x
Liechtenstein	M		M	

Luxembourg	M		M	
Madagascar	M	x	M	x
Malawi	M		M	
Malaysia	M	x	M	x
Maldives	M		M	

Mali	M		M	x
Malta	M	x	M	x
Mauritania	M		M	
Mauritius	M		M	
Mexico	M	x	M	x

Monaco	M		M	
Mongolia	M		M	x
Morocco	M	x	M	x
Mozambique	M	x	M	x
Nauru	M		M	

Nepal	M		M	x
Netherlands	M	x	M	x
New Zealand	M	x	M	x
Nicaragua	M		M	
Niger	M		M	x

Nigeria	M	x	M	x
Norway	M	x	M	x
Oman	M		M	x
Pakistan	M		M	x
Panama	M	x	M	

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Papua New Guinea	M		M	x
Paraguay	M		M	x
Peru	O	x	O	x
Philippines	M	x	M	x
Poland	M	x	M	x
Portugal	M	x	M	x
Qatar	M		M	x
Republic of Korea	M	x	M	x
Romania	M		M	
Rwanda	M		M	
St. Kitts and Nevis	M		M	
Saint Lucia	M		M	
St. Vincent and the Grenadines	M		M	
Samoa	M		M	
San Marino				
Sao Tome and Principe	M	x	M	
Saudi Arabia	M	x	M	x
Senegal	M	x	M	x
Seychelles	M		M	
Sierra Leone	M	x	M	
Singapore	M		M	
Solomon Islands	M		M	
Somalia	M	x	M	x
South Africa	M		M	
Spain	M	x	M	x
Sri Lanka	M	x	M	x
Sudan	M	x	M	x
Suriname	M		M	x
Swaziland	M	x	M	
Sweden	M	x	M	x
Switzerland	M	x	M	x
Syrian Arab Republic				
Thailand	M	x	M	x
Togo	M		M	
Tonga				
Trinidad and Tobago	M	x	M	x
Tunisia	M	x	M	x
Turkey				x
Tuvalu	M		M	
Uganda	M	x	M	x
Ukrainian SSR	M	x	M	x
Union of Soviet Socialist Reps.	M	x	M	x
United Arab Emirates	M		M	x
United Kingdom of Great Britain and Northern Ireland	O	x	O	x
United Republic of Tanzania	M	x	M	x

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
United States of America	O		O	
Uruguay	M		M	x
Vanuatu	M		M	x
Venezuela	O	x	O	x
Viet Nam	M		M	x

Yemen	M		M	
Yugoslavia	M	x	M	x
Zaire	M	x	M	x
Zambia	M	x	M	x
Zimbabwe	M	x	M	x
ENTITIES (under Art. 305 (1)(b),(c), (d),(e) and (f))				
Cook Islands	M		M	
European Economic Community	M	x	M	x
Namibia (United Nations Council for Namibia)	M	x	M	x
Netherlands Antilles	O		O	
Niue	M		M	
Trust Territory of the Pacific Islands	O		O	
West Indies Associated States				
NATIONAL LIBERATION MOVEMENTS				
African National Congress of South Africa	O		O	
Palestine Liberation Organization	O	x	O	
Pan Africanist Congress of Azania	O	x	O	x
South West Africa People's Organization	O	x	O	
TOTAL MEMBERS	159	87	159	101
TOTAL OBSERVERS	<u>15</u>	<u>9</u>	<u>15</u>	<u>7</u>
GRAND TOTAL	174	96	174	108
	===	===	===	===

B. Report of the fifth session*

1. REPORT ON THE FIFTH SESSION OF THE PREPARATORY COMMISSION
FOR THE INTERNATIONAL SEA-BED AUTHORITY AND FOR THE
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
KINGSTON, 30 MARCH-16 APRIL 1987

Plenary

Implementation of resolution II

Resolution II of the Third United Nations Conference on the Law of the Sea names four States as pioneer investors - India, France, Japan and the Union of Soviet Socialist Republics - and four multinational consortia composed of companies from Belgium, Canada, the Federal Republic of Germany, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The States named and the consortia all had to meet the condition established for granting pioneer investor status: the expenditure of at least \$US 30 million, of which at least 10 per cent had to be spent in locating, surveying and evaluating a mining area.

As pioneer investors, following registration with the Preparatory Commission, they would be granted exclusive rights, as defined in resolution II, paragraph 1 (b), to engage in pioneer activities within the pioneer area up to six months after the Convention enters into force, at which time they have to apply for approval of a plan of work in the form of a contract for exploration and/or exploitation.

Resolution II requires all pioneer investors to resolve any overlapping claims before registration. The potential for overlapping claims was reasonably high due to two factors stemming from the nature of the resource itself. First, although there are extensive deposits of nodules throughout the world's oceans, scientific indicators had pointed quite early to one region of the Pacific in which the nodules were of economic interest - the area between Hawaii and Baja California. Secondly nodules lie in a monolayer, and therefore claim sites must be extensive. Resolution II sets an upper limit of the pioneer area to 150,000 square kilometres for each site. It also requires compliance with the parallel system, under which each applicant would submit two sites of equal estimated commercial value, one of which would be reserved for the Enterprise, the sea-bed mining arm of the International Sea-Bed Authority. It further provides that each applicant would relinquish half of its pioneer area over an eight-year period reducing it to no more than 75,000 square kilometres.

* The reports of the four preceding sessions (sessions in Kingston and meetings in Geneva or New York) can be found in Bulletins Nos. 3, 4, 6 and 8.

In December of 1984, an exchange of co-ordinates took place among the four States - France, India, Japan, the USSR - that had submitted applications for registration as pioneer investors to the Preparatory Commission. These States had met in accordance with a timetable agreed upon during the previous session of the Preparatory Commission. As a result of this meeting, it was noted that India had no conflicts as it was the only claimant in the Indian Ocean. France and Japan, which had claims in the north-east Pacific, had already resolved their overlaps. The site of the Soviet Union, however, overlapped not only portions of the French and the Japanese sites, but also those of three of the four multinational consortia. While it was reported to the spring session of the Preparatory Commission that the Japanese-Soviet overlap could be provisionally resolved, the conflict between France and the Soviet Union was too difficult to be easily settled. It was in 1985 that the good offices of the Chairman of the Preparatory Commission became essential to assist the applicants in their ongoing negotiations and culminated in the Arusha Understanding of 7 February 1986.

The Arusha Understanding which resolved the conflicts between France and the USSR and Japan and the USSR provided a balance among three interests: those of the four applicants - France, Japan, USSR and India - those interested in preserving the integrity of the Convention and the future Sea-Bed Authority and the interests of potential applicants.*

Under the Arusha Understanding, France and USSR and Japan and USSR agreed to divide equally the respective areas of overlaps. They also agreed to relinquish areas before resolution II required them to do so in order to meet certain practical problems as well as to facilitate the resolution of conflicts between the claim of the USSR and some of the potential applicants. In addition, the three applicants were to contribute areas adjacent to the overlapping areas to compose a mine site for the Authority.

The August-September 1986 meeting of the Preparatory Commission brought additional players into the process: the Group of 77 and the Eastern European Group of Socialist States. Negotiations which ensued resulted in the New York Understanding of 5 September 1986 (LOS/PCN/L.41/Rev.1). Based primarily on the Arusha Understanding, the New York Understanding incorporated several additional elements to satisfy the different parties involved. For the Group of 77, there were two elements: an undertaking by the applicants to assist the Preparatory Commission in the exploration of a mine-site for the first operation of the Enterprise, and the extension of the time-limit established in resolution II for the qualifying \$30 million expenditure on pioneer activities for a developing country. Further, the Group of Socialist States was given the right to apply for an additional pioneer area before the entry into force of the Convention. Finally, the group of potential applicants as pioneer investors was granted the right to equal treatment if they should submit their applications for registration as pioneer investors.

* "Potential applicant" is the expression used to designate the Western multinational consortia which possess the nationality or are controlled by the nationals of the following States: Belgium, Canada, Germany Federal Republic of, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America (see resolution II, paragraph 1 (a) (ii)).

The New York Understanding paved the way for registration of pioneer investors. However, there were still overlaps to be resolved between the Soviet Union and the potential applicants.

During this session, it was agreed that, unless the Preparatory Commission decided otherwise, the Group of Technical Experts, established in accordance with the Understanding of 5 September 1986, would convene at the beginning of the second week of the summer meeting in order to examine the applications submitted for registration and submit a report to the General Committee, which would also be convened during the summer meeting. The General Committee would act as the executive body on behalf of the Preparatory Commission for the purpose of registration. It was also agreed that, while India, which had no conflicts with respect to overlapping claims, could be registered separately, France, Japan and the Soviet Union were to be considered and registered simultaneously. (See below on the registration of India as a pioneer investor.)

Preparation of the rules, regulations and procedures relating to the organs of the Authority

In addition to dealing with the question of the implementation of resolution II, the plenary continued its work on the rules for the establishment of the Authority and its organs. It completed the first reading of the draft rules of procedure for the Economic Planning Commission and started the examination of the revised rules of procedure for the Council of the International Sea-Bed Authority. The current session once again confirmed that financial matters and the decision-making procedures relating to them in the various organs of the Authority remain the hard-core issues. All aspects of decision-making on financial matters will have to be negotiated together at an appropriate time.

Special Commission 1, which is studying the adverse effects that sea-bed mining might have on developing land-based producer States, completed its study on the different remedial measures that may be undertaken by the Authority when sea-bed mining adversely affects developing country land-based producers. During this session it concentrated its discussion on the question of a compensation fund. Delegations differed on whether a system of compensation would necessarily mean the establishment of a compensation fund and whether such a system would function on the basis of a multilateral arrangement or would function instead on a bilateral basis between traditional exporters and importers. Divergent views were also expressed on the sources for the financing of such a fund. There was discussion as to whether a part of the profits of the Enterprise (the sea-bed mining arm of the Authority) would be the only source or whether other sea-bed miners should also contribute a portion of their profits. There appeared to be a general understanding, however, that developing land-based producers seriously affected by sea-bed mining should be provided with some form of assistance. Some delegations were of the view that there should be no distinction between measures of economic adjustment assistance and a system of compensation fund, as the objective was basically the same.

Special Commission 2 is entrusted with the preparation for the establishment of the Enterprise, the operational arm of the Authority. It is also required under resolution II to undertake preparatory measures which would enable the Enterprise to keep pace with States and other entities which will be engaged in deep sea-bed mining.

In particular, under the pioneer régime registered pioneer investors are required, inter alia, to provide training for the personnel of the future Enterprise. Training was therefore the major issue under discussion during this session and, in particular, the question of the timing and cost of such training was discussed extensively. Some members felt that training should begin as soon as possible and that the costs should be borne by the pioneer investors, while others expressed the view that training at this time, when there is no sea-bed mining activity, would be of no assistance to the Enterprise and that the costs should not be borne by the pioneer investors alone but should be reimbursable by the Authority. At the end of the discussion it was agreed that an ad hoc working group on training would be established to formulate a training programme. This group is composed of the four pioneers, France, India, Japan and the USSR, as well as Bangladesh, Canada, China, Colombia, Denmark, Jamaica, Kenya, Malta, Tunisia, the United Nations Council for Namibia and a representative from the International Ocean Institute. Ridha Bouabid of Tunisia was elected co-ordinator of the group. The Commission was presented with a lengthy study of a model for a joint deep sea-bed mining venture submitted by the Colombian delegation which will be discussed at the next meeting.

Special Commission 3 began a detailed consideration of draft articles dealing with the financial terms of a mining contract which are viewed as crucial to the successful undertaking of deep sea-bed mining. The articles under consideration dealt with an annual fixed fee, the choice of a system of financial contribution, production charges, method of assessment of quantity of processed metals from nodules, attribution of average price to such metals, notification of market value and payment of production charge, the Authority's share of attributable net proceeds and a determination of first and second periods of commercial production for graduated taxation. Amendments were proposed whose effect would be to transfer any administrative discretion on financial terms from the Authority to the mining contractor. Thus, in case of disputes it would devolve upon the Authority to discharge the burden of proof. In addition, the amendments would also substantially reduce the level of taxes paid to the Authority for the mining of sea-bed nodules. Some members disputed most of these amendments and claimed that they were designed to change certain fundamental provisions of the Convention which had been carefully negotiated and agreed to at the Conference, and that the level of taxation established in the Convention was more generous than the levels applicable to land-based mining.

Special Commission 4 is preparing for the establishment of the International Tribunal for the Law of the Sea. It began the session with an exchange of views on the question of a headquarters agreement, based on a Secretariat working paper. The Special Commission identified the main problems involved, suggested appropriate solutions and received the views of the prospective host country for the future seat of the Tribunal, the Federal Republic of Germany. Privileges, immunities and facilities of the Tribunal, its officials and those appearing before it to be provided by third States by means of another multilateral instrument were also discussed. The unusual aspect of the headquarters agreement and the other multilateral instrument on privileges and immunities will be the recognition of rights of natural or juridical persons (including consortia) and their representatives to have free access to and from the seat and the requisite privileges to appear before the Tribunal. In other respects, both of these instruments would provide for privileges and immunities consistent with the practice of the International Court of Justice, the United Nations, etc., and consistent with conventions such as the

Vienna Convention on Diplomatic Relations and the United Nations Convention on Privileges and Immunities. The Special Commission also considered a number of revised draft rules of the Tribunal presented by the Secretariat.

2. REPORT ON THE MEETING OF THE PREPARATORY COMMISSION FOR
THE INTERNATIONAL SEA-BED AUTHORITY AND FOR THE
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
NEW YORK, 27 JULY-21 AUGUST 1987

Plenary

Implementation of resolution II

The meeting was marked by two important events. On 17 August 1987, at its 38th meeting, the twentieth anniversary of the initiative of Malta of 17 August 1967 relating to the reservation exclusively for peaceful purposes of the sea-bed beyond national jurisdiction and the use of its resources in the interest of mankind was celebrated.

On the same day, the General Committee of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea acting on behalf of the Commission decided to register the Government of India as a "pioneer investor".

Following the Statement of Understanding of 10 April 1987 (LOS/PCN/L.43/Rev.1), the Group of Technical Experts was convened and began its meeting on 3 August 1987. However, the Group of Technical Experts was unable to examine the applications of all four applicants and, in accordance with the Statement of Understanding of 10 April 1987, it began examining the revised application of India.

The Preparatory Commission was informed that the negotiations aimed at resolving all problems of a practical nature pending since the previous session of the Preparatory Commission had been successfully concluded (LOS/PCN/L.49). The first group of applicants and the potential applicants reported that a comprehensive settlement of practical problems had been achieved (LOS/PCN/90 and LOS/PCN/91). The Secretary-General hailed the resolution of conflicts between the first group of applicants and the potential applicants as the most important development since the adoption of the Convention in 1982.

Because of the short lapse of time since the negotiations were concluded and the need for adjustment of certain applications, the date for the consideration of the applications of France, Japan and the Soviet Union had to be postponed.

The next meeting of the Group of Technical Experts would be convened from 23 November to 4 December 1987. It would be followed by a meeting of the General Committee from 7 to 18 December in order to consider the revised applications of France, Japan and the Soviet Union as pioneer investors under resolution II.*

* A special issue of the Law of the sea Bulletin (Special Issue II) will contain the relevant documents dealing with the registration of the first group of pioneer investors.

Registration of India

The Preparatory Commission took a historic decision to register India as the first pioneer investor in the international sea-bed area (LOS/PCN/94) on the basis of a report of the Group of Technical Experts (LOS/PCN/BUR/R.1). In accordance with resolution II of the Third United Nations Conference on the Law of the Sea, India has been allocated an area of 150,000 square kilometres in the south-central Indian Ocean basin. In that area India has the exclusive right to carry out activities leading up to the exploitation of polymetallic nodules. At the same time the Commission reserved from the Indian application an area of 150,000 square kilometres of equal estimated commercial value for future development by the International Sea-Bed Authority.

Preparation of the rules, regulations and procedures relating to the organs of the Authority

The plenary continued the examination of the draft rules of procedure of the Council and completed the second reading of these rules.

There was a lengthy debate on the proposals of the draft rules of procedure of the Council to establish a Finance Committee. There was general agreement on the advisory nature of the body and the qualifications of the members of this Committee. However, certain questions required further discussion, such as whether the criteria for membership of the Committee should be based on the principle of equitable geographical distribution and special interests or only on the principle of equal geographical distribution and whether the major contributors should constitute a special category.

Throughout the work of the plenary on the draft rules of procedure of the various organs of the Authority, certain issues were left pending. They concerned financial and budgetary matters, decision-making, the majorities required for elections, the status of observers and subsidiary organs.

At the sixth session, the plenary will commence with a second reading of the draft rules of procedure of the Legal and Technical Commission and of the Economic Planning Commission. It would then return to the pending draft rules of procedure of the Council.

Election of the Chairman

At the 37th meeting of the Preparatory Commission, the plenary elected by acclamation the nominee of the African Group, Mr. José Luis Jesus of the delegation of Cape Verde, as Chairman of the Preparatory Commission to succeed Mr. Joseph S. Warioba, Prime Minister of the United Republic of Tanzania.

Special Commission 1. At this meeting the Special Commission concentrated mainly on the issue of subsidization in relation to deep sea-bed mining. Some delegations were of the opinion that efficient land-based producers would be able to compete with sea-bed production as long as the latter was an unsubsidized commercial operation, and that the real threat to competitive land-based producers was subsidized sea-bed mining. These delegations suggested that an anti-subsidization recommendation should be an important element in the recommendations of the Special Commission to the Authority with

regard to remedial measures for the problems of developing land-based producer States adversely affected by sea-bed production. Other delegations raised a number of questions about the applicability and effectiveness of GATT-type anti-subsidy provisions in relation to sea-bed mining. There were also questions as to whether any practical, realistic and effective anti-subsidy measures could be formulated at all. Some delegations were of the view that even if there was no subsidization of sea-bed mining, when sea-bed mining occurred, the very fact that there was a new source of supply of minerals would result in adverse effects on developing land-based producers; subsidization of sea-bed mining would merely aggravate the situation. These issues will continue to be deliberated by the Special Commission.

Special Commission 2. The Special Commission discussed the administrative structure of the Enterprise, including the question of the establishment of an initial "nucleus" Enterprise. The description given in the Secretariat paper (LOS/PCN/SCN.2/WP.12) of the kind of monitoring, evaluating and continued preparatory functions that would need to be performed in the pre-feasibility period was generally accepted. There was general agreement on the necessity of keeping personnel and costs to a minimum.

With the registration of the first group of applicants, the work of the Special Commission will now enter a more concrete phase. It would have to turn its attention to the implementation of paragraph 12 of resolution II. As a consequence, the programme of work for the sixth session will be the following: the formulation and establishment of a training programme; the structure and organization of the Enterprise; and the implementation of paragraph 12 of resolution II with respect to exploration and transfer of technology.

Special Commission 3. The Special Commission continued its discussion of the draft articles dealing with the financial terms of a mining contract which are viewed as crucial to the successful undertaking of deep sea-bed mining. In particular, it examined the provisions relating to the issue of interest, the recovery of the contractor's development, the calculation and payment of the Authority's share of attributable net proceeds, the accounting principle, payment to the Authority, the selection of accountants and the settlement of disputes.

During the discussion of these draft articles and the various amendments, many comments were made, amendments were submitted and suggestions offered.

The Special Commission then held a general discussion on document LOS/PCN/SCN.3/WP.6/Add.3 (draft Regulations on Financial Incentives), presented by the Secretariat at the 60th meeting of the Special Commission.

The view was expressed that financial incentives should be considered as a component of the financial rules. It was pointed out that the financial terms of contract created an unduly onerous burden for the contractor and that the provisions in articles 88 and 89 of document LOS/PCN/SCN.3/WP.6/Add.3 did not provide an adequate solution. What was required before detailed incentives were discussed were certain mechanisms and an institutional framework based on stable and clear criteria and non-discriminatory procedures under which uniform and predetermined incentives would be provided. It was suggested that the provision of such incentives should not be left to the discretion of the Authority but should be provided automatically under specific conditions clearly detailed in advance.

According to another view, the provision of financial incentives could not be viewed as creating exceptions to the financial terms of contract. It was maintained that the provisions of article 13 of Annex III to the Convention must prevail and that the availability of incentives should not become a general rule but only be awarded at the discretion of the Authority. It was pointed out also that it was important to consider the provision of financial incentives in terms of the revenues of the Authority.

It was suggested that the provision of such incentives should not amount to subsidizing sea-bed mining, especially to the detriment of land-based mining.

It was further suggested that a higher degree of security for the contractor can be viewed as a financial incentive. Other additional incentives suggested were, *inter alia*, a partial or full refund of the annual fixed fee paid by the contractor where exploration does not lead to the exploitation of a mine-site and the right of the contractor to change his method of financial contribution to the Authority, i.e. by either paying a production charge only or paying a combination of the production charge and a share of net proceeds.

Throughout the debate, the view was maintained that the provisions of the Convention should not be altered in the development of the rules and regulations for deep sea-bed mining. On the other hand, it was felt that the Commission should not be precluded from building on the provisions of the Convention. This raises the issue of the extent to which modifications can be made to the provisions of the Convention in the drafting of the mining code.

Special Commission 4. The Special Commission is now in the process of considering the requirements for a headquarters agreement between the Tribunal and the host country. The discussion is based on a draft headquarters agreement prepared by the Secretariat. On this subject as well, a most constructive spirit has prevailed and the discussions have progressed expeditiously to complete the first half of the draft. The second part of this draft will be presented by the Secretariat before the next session and it is anticipated that the Special Commission will be able to conclude a first review of the subject by the end of the sixth session.

There are several other items on the agenda of Special Commission 4, including the drafting of a protocol or agreement dealing with the privileges and immunities of the Tribunal, its functionaries and officials and the representatives of parties before it. For this purpose also, the Secretariat is expected to present a working paper for the sixth session.

As amended by the Special Commission, the Chairman's consultations on the matters relating to the seat of the Tribunal are proceeding, and it is hoped that a generally acceptable solution will be found.

The specific problem arises from the fact that the host country identified in the Convention - the Federal Republic of Germany - has not yet signed the Convention, nor has it acceded to it.

C. List of documents of the fifth session of the Preparatory Commission
and of the New York meeting

- LOS/PCN/INF/2/Rev.2 Officers of the Preparatory Commission and
Membership of the General Committee and the
Credentials Committee
[14 September 1987]
- LOS/PCN/INF/12 Delegations to the fifth session, Kingston,
Jamaica, 30 March-16 April 1987
[13 April 1987]
- LOS/PCN/INF/13 Delegations to the meeting of the
Preparatory Commission,
New York, 27 July-21 August 1987
[19 August 1987]
- LOS/PCN/79 Provisional agenda
[2 March 1987]
- LOS/PCN/80 Letter dated 9 February 1987 from the
Chairman of the delegation of the Federal
Republic of Germany addressed to the
Special Representative of the
Secretary-General for the Law of the Sea
[12 March 1987]
- LOS/PCN/81 Letter dated 19 March 1987 from the
delegation of the Union of Soviet Socialist
Republics addressed to the Chairman of the
Preparatory Commission
[24 March 1987]
- LOS/PCN/82 Letter dated 19 March 1987 from the
delegations of France, India, Japan and the
Union of Soviet Socialist Republics
addressed to the Chairman of the
Preparatory Commission
[24 March 1987]
- LOS/PCN/83 Letter dated 20 March 1987 from the
Chairmen of the delegations of Belgium,
Canada, Italy and the Netherlands addressed
to the Chairman of the Preparatory
Commission
[30 March 1987]
- LOS/PCN/84 Credentials of Representatives to the fifth
session of the Preparatory Commission for
the International Sea-Bed Authority and for
the International Tribunal for the Law of
the Sea. Report of the Credentials
Committee
[14 April 1987]

- LOS/PCN/85 Letter dated 16 April 1987 from the Chairman of the Group of 77 addressed to the Chairman of the Preparatory Commission [28 April 1987]
- LOS/PCN/86 Receipt of a revised application from the Government of Japan for the registration of the Japanese Enterprise "Deep Ocean Resources Development Company, Ltd." as a pioneer investor under resolution II of the Third United Nations Conference on The Law of The Sea. Note by the Secretary-General [23 July 1987]
- LOS/PCN/87 Receipt of a revised application from the Government of India for the registration as a pioneer investor under resolution II of the Third United Nations Conference on the Law of The Sea. Note by the Secretary-General [23 July 1987]
- LOS/PCN/88 Receipt of a revised application from the Government of the Union of Soviet Socialist Republics for the registration of the Soviet enterprise "YUZHMOGEOLOGIYA" as a pioneer investor. Note by the Secretary-General [23 July 1987]
- LOS/PCN/89 Receipt of a revised application from the Government of France for the registration as a pioneer investor under resolution II of the Third United Nations Conference on The Law of The Sea. Note by the Secretary-General [23 July 1987]
- LOS/PCN/90 Letter dated 3 August 1987 from delegations of Belgium, Canada, Italy, the Netherlands and the Union of Soviet Socialist Republics addressed to the Acting Chairman of the Preparatory Commission [3 August 1987]
- LOS/PCN/91 Letter dated 3 August 1987 from delegations of France, India, Japan and the Union of Soviet Socialist Republics addressed to the Acting Chairman of the Preparatory Commission [3 August 1987]

- LOS/PCN/92 Letter dated 5 August 1987 from the Chairman of the delegation of the United Kingdom of Great Britain and Northern Ireland addressed to the Acting Chairman of the Preparatory Commission [6 August 1987]
- LOS/PCN/93 Letter dated 5 August 1987 from the Chairman of the delegation of the Federal Republic of Germany addressed to the Acting Chairman of the Preparatory Commission [6 August 1987]
- LOS/PCN/94* Decision of the General Committee on the application of the Government of India as a pioneer investor under resolution II [9 October 1987]
- LOS/PCN/94/Corr. 1 Corrigendum [23 October 1987]
- LOS/PCN/95 Letter dated 18 August 1987 from the Chairman of the Group of 77 addressed to the Chairman of the Preparatory Commission [20 August 1987]
- LOS/PCN/96 Decision adopted by the Preparatory Commission at its 39th plenary meeting, held on 21 August 1987 [1 September 1987]
- LOS PCN/L.42 Report submitted by the Chairman of the Preparatory Commission at the 33rd plenary meeting, held on 30 March 1987 [30 March 1987]
- LOS/PCN/L.43/Rev.1 Statement of Understanding on the implementation of resolution II made by the Chairman of the Preparatory Commission at the 34th plenary meeting, held on 10 April 1987 [15 April 1987]
- LOS/PCN/L.44 Statement to the plenary by the Chairman of Special Commission 1 on the progress of work in that Commission [14 April 1987]
- LOS/PCN/L.45 Statement to the plenary by the Chairman of Special Commission 2 on the progress of work in that Commission [14 April 1987]

* Reissued for technical reasons.

- LOS/PCN/L.45/Corr.1 Corrigendum
 [15 April 1987]
- LOS/PCN/L.46 Statement to the plenary by the Chairman of
 Special Commission 3 on the progress of
 work in that Commission
 [15 April 1987]
- LOS/PCN/L.47 Statement to the plenary by the Chairman of
 Special Commission 4 on the progress of
 work in that Commission
 [14 April 1987]
- LOS/PCN/L.48 Statement made by the Acting Chairman of
 the Preparatory Commission
 [15 April 1987]
- LOS/PCN/L.49 Statement made by the Acting Chairman of
 the Preparatory Commission at the
 37th plenary meeting, held on 6 August 1987
 [6 August 1987]
- LOS/PCN/L.50 Statement to the plenary by the Chairman of
 Special Commission 2 on the progress of
 work in that Commission
 [19 August 1987]
- LOS/PCN/L.51 Statement to the plenary by the Chairman of
 Special Commission 1 on the progress of
 work in that Commission
 [20 August 1987]
- LOS/PCN/L.52 Statement to the plenary by the Chairman of
 Special Commission 3 on the progress of
 work in that Commission
 [19 August 1987]
- LOS/PCN/L.53 Statement to the plenary by the Chairman of
 Special Commission 4 on the progress of
 work in that Commission
 [20 August 1987]
- LOS/PCN/L.54/Rev.1 Statement by the Chairman of the
 Preparatory Commission
 [4 September 1987]
- LOS/PCN/WP.31/Rev.1 Draft Rules of Procedure of the Legal and
 Technical Commission.
 Working paper by the Secretariat
 [31 July 1987]

- LOS/PCN/WP.36/Rev.1 Draft Rules of Procedure of the Economic Planning Commission.
Working paper by the Secretariat
[24 July 1987]
- LOS/PCN/WP.39 Amendments to the draft Rules of Procedure for the Economic Planning Commission
(LOS/PCN/WP.36)
[3 April 1987]
- LOS/PCN/WP.40 Suggested amendments to the draft Rules of Procedure of the Council of the International Sea-Bed Authority
(LOS/PCN/WP.26/Rev.1).
Proposals by the delegation of Switzerland
[28 July 1987]
- LOS/PCN/WP.41 Suggested amendments to the draft Rules of Procedure of the Council of the International Sea-Bed Authority
(LOS/PCN/WP.26/Rev.1).
Proposal by the delegation of Brazil
[10 August 1987]
- LOS/PCN/WP.42 Suggested amendment to the draft Rules of Procedure of the Council of the International Sea-Bed Authority
(LOS/PCN/WP.26/Rev.1)
Proposal of the delegations of Belgium, Germany, Federal Republic of, Italy, Japan, the Netherlands and the United Kingdom of Great Britain and Northern Ireland
[17 August 1987]
- LOS/PCN/WP.43 Suggested amendments to the draft Rules of Procedure of the Council of the International Sea-Bed Authority
(LOS/PCN/WP.26/Rev.1)
Proposal by the delegation of the Netherlands
[19 August 1987]
- LOS/PCN/1987/CRP.10 Sources of the draft Rules of Procedure for the Economic Planning Commission
(LOS/PCN/WP.36) with the status of the relevant draft Rules of Procedure for the Legal and Technical Commission
(LOS/PCN/WP.31)
[18 March 1987]
- LOS/PCN/1987/CRP.11 Provisional timetable
[30 March 1987]

- LOS/PCN/1987/CRP.12 Provisional list of delegations, fifth session, Kingston, Jamaica, 30 March to 16 April 1987
[3 April 1987]
- LOS/PCN/1987/CRP.13 List of provisions relating to certain pending issues before the plenary on the Authority
[23 July 1987]
- LOS/PCN/1987/CRP.14 Provisional timetable
[27 July 1987]
- LOS/PCN/1987/CRP.15 Suggested text for Rule 22 (18)
(LOS/PCN/WP.26/Rev.1)
Elections
[31 July 1987]
- LOS/PCN/1987/CRP.16 Provisional list of delegations
New York, 27 July-21 August 1987
[6 August 1987]
- LOS/PCN/1987/CRP.17 Suggested text for Rule 22 (18)
(LOS/PCN/WP.26/Rev.1)
Elections
[11 August 1987]
- LOS/PCN/1987/CRP.18 Draft Decision of the General Committee on the application of the Government of India as a pioneer investor under resolution II
[17 August 1987]

General Committee

- LOS/PCN/BUR/INF/R.1
(Restricted) Formal part of the application of India released for the information of the General Committee with the consent of the applicant
[11 August 1987]
- LOS/PCN/BUR/R.1
(Restricted) Report of the Group of Technical Experts to the General Committee of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea on the application of the Government of the Republic of India for registration as a pioneer investor under resolution II of the Third United Nations Conference on the Law of the Sea
[10 August 1987]

Special Commission 1

- LOS/PCN/SCN.1/WP.5/Add.2 Information on existing international or multilateral economic measures which could be of relevance to the work of Special Commission 1.
Addendum
Background paper by the Secretariat
[2 March 1987]
- LOS/PCN/SCN.1/WP.10 Law of the Sea: System of compensation and/or a compensation fund.
Background paper by the Secretariat
[2 March 1987]
- LOS/PCN/SCN.1/WP.11 The work of Special Commission 1.
Summary by the Secretariat
[16 July 1987]
- LOS/PCN/SCN.1/1987/CRP.13 Chairman's preliminary listing of issues on which further discussion is needed in Special Commission 1
[31 July 1987]
- LOS/PCN/SCN.1/1987/CRP.14 Chairman's suggestions about formulations to categorize serious adverse effects of sea-bed mining on the export earnings or economies of developing land-based producer States
[18 August 1987]

Special Commission 2

- LOS/PCN/SCN.2/WP.11 Main elements of a training programme.
Working paper by the Secretariat
[27 February 1987]
- LOS/PCN/SCN.2/WP.12 A Nucleus Enterprise.
Note by the Secretariat
[9 March 1987]
- LOS/PCN/SCN.2/WP.13 Questions relating to training of personnel for the Enterprise in accordance with the United Nations Convention on the Law of the Sea.
Working paper prepared by a working group of the Contact Group of the Group of 77 on the Enterprise (Bangladesh, Brazil, Cameroon, Jamaica, Kenya, Pakistan, Thailand and Tunisia)
[16 March 1987]
- LOS/PCN/SCN.2/WP.14 The International Venture.
Study submitted by the Republic of Colombia
[18 March 1987]

LOS/PCN/SCN.2/WP.14/Add.1 Addendum
[26 March 1987]

Special Commission 3

LOS/PCN/SCN.3/WP.6/Add.3 Draft Regulations on Prospecting, Exploration and
Exploitation of Polymetallic Nodules in the Area.
(Draft Financial Terms of Contract).
(Draft Regulations on Financial Incentives).
Addendum.
Working paper by the Secretariat
[11 March 1987]

LOS/PCN/SCN.3/WP.9 Suggested amendments to the Draft Regulations on
Prospecting, Exploration and Exploitation of
Polymetallic Nodules in the Area
(LOS/PCN/SCN.3/WP.6/Add.2).
Proposals by the delegations of Belgium, Germany,
Federal Republic of, Italy, Japan, Netherlands and
United Kingdom of Great Britain and Northern
Ireland
[2 April 1987]

LOS/PCN/SCN.3/WP.10 Suggested amendments to the draft Regulations on
Prospecting, Exploration and Exploitation of
Polymetallic Nodules in the Area
(LOS/PCN/SCN.3/WP.6/Add.2).
Proposals by the delegations of Denmark and Norway
[4 August 1987]

LOS/PCN/SCN.3/WP.11 Suggested amendments to the draft Regulations on
Prospecting, Exploration and Exploitation of
Polymetallic Nodules in the Area
(LOS/PCN/SCN.3/WP.6/Add.2).
Proposals by the Group of 77
[10 August 1987]

LOS/PCN/SCN.3/WP.11/Corr.1 Corrigendum
[13 August 1987]

LOS/PCN/SCN.3/WP.12 Suggested admendments to the draft Regulations on
Prospecting, Exploration and Exploitation of
Polymetallic Nodules in the Area
(LOS/PCN/SCN.3/WP.6/Add.2).
Proposals by the delegations of Belgium, Germany,
Federal Republic of, Italy, Japan, Netherlands and
the United Kingdom of Great Britain and Northern
Ireland
[13 August 1987]

LOS/PCN/SCN.3/1987/CRP.7 Text of Article 76 incorporating corrections
contained in document
LOS/PCN/SCN.3/WP.6/Add.2/Corr.1
[8 April 1987]

Special Commission 4

- LOS/PCN/SCN.4/L.7/Add.1 Chairman's summary of discussions on the draft Rules of the International Tribunal for the Law of the Sea. Addendum.
Part IV. Proceedings in Disputes
[4 September 1986]
- LOS/PCN/SCN.4/L.8 Second report on practical arrangements for the installation of the International Tribunal for the Law of the Sea at Hamburg.
Submitted by the delegation of the Federal Republic of Germany
[13 March 1987]
- LOS/PCN/SCN.4/L.9 Chairman's summary of discussions on the Headquarters Agreement and related instruments on privileges and immunities
[14 April 1987]
- LOS/PCN/SCN.4/L.9/Add.1 Chairman's summary of discussions. Addendum.
Revised draft Rules of the International Tribunal for the Law of the Sea
[20 August 1987]
- LOS/PCN/SCN.4/WP.2/Rev.1 (Part II) International Tribunal for the Law of the Sea. Draft Rules of the Tribunal.
Part II. Articles 94-140.
Prepared by the Secretariat
[24 March 1987]
- LOS/PCN/SCN.4/WP.5 (Part I) Draft Headquarters Agreement between the International Tribunal for the Law of the Sea and the Federal Republic of Germany.
Prepared by the Secretariat
[4 August 1987]
- LOS/PCN/SCN.4/1987/CRP.22 Suggested redraft of Articles 89 to 91 and 93 (LOS/PCN/SCN.4/WP.2/Rev.1/Part I).
Submitted by the delegation of the Union of Soviet Socialist Republics
[5 August 1987]

IV. OTHER INFORMATION

Land, island and maritime frontier dispute
(El Salvador/Honduras)

The Registry of the International Court of Justice asks readers of press communiqué 87/9 of 11 May 1987 to note the following:

The composition of the Court on 8 May 1987 when it passed the Order constituting a Chamber in the case concerning the land, island and maritime frontier dispute (El Salvador/Honduras) was as follows:

President Nagendra Singh; Vice-President Mbaye; Judges Lachs, Ruda, Oda, Ago, Sette-Camara, Schwebel, Sir Robert Jennings, Bedjaoui, Ni, Evensen, Tarassov; Registrar Valencia-Ospina.

The unanimity referred to in the Order of 8 May, and also in press communiqué 87/9, is therefore to be understood only in respect of those Members of the Court present and voting.

LAW OF THE SEA BULLETIN

No. 10

ERRATA

Page 10:

Article 2, Decree No. 77 of Bulgaria

Replace the living and non-living national resources by the living and non-living natural resources.

Page 15:

Schedule 1, paragraph 4 of the Customs and Excise Management Act 1979
should read:

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

