

**LAW OF THE SEA
BULLETIN**

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**DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
OFFICE OF LEGAL AFFAIRS**

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.

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

A. Ratifications of, and accessions to, the Convention by regional groups¹

Under article 308 of the Convention "the Convention shall enter into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession".

	<u>Date</u>	<u>State</u>	<u>Regional group</u>
1.	5 December 1990	Angola	African
2.	2 May 1990	Botswana	"
3.	19 November 1985	Cameroon	"
4.	10 August 1987	Cape Verde	"
5.	26 March 1984	Côte d'Ivoire	"
6.	8 October 1991	Djibouti	"
7.	26 August 1983	Egypt	"
8.	22 May 1984	Gambia	"
9.	7 June 1983	Ghana	"
10.	6 September 1985	Guinea	"
11.	25 August 1986	Guinea-Bissau	"
12.	2 March 1989	Kenya	"
13.	16 July 1985	Mali	"
14.	18 April 1983	Namibia	"
15.	14 August 1986	Nigeria	"
16.	3 November 1987	Sao Tome and Principe	"
17.	25 October 1984	Senegal	"
18.	16 September 1991	Seychelles	"
19.	24 July 1989	Somalia	"
20.	23 January 1985	Sudan	"
21.	16 April 1985	Togo	"
22.	24 April 1985	Tunisia	"
23.	9 November 1990	Uganda	"
24.	30 September 1985	United Republic of Tanzania	"
25.	17 February 1989	Zaire	"
26.	7 March 1983	Zambia	"
27.	24 February 1993	Zimbabwe	"

¹ Fifty-six (56) ratifications/accessions deposited with the Secretary-General.

	<u>Date</u>	<u>State</u>	<u>Regional group</u>
1.	30 May 1985	Bahrain	Asian
2.	12 December 1988	Cyprus	"
3.	10 December 1982	Fiji	"
4.	3 February 1986	Indonesia	"
5.	30 July 1985	Iraq	"
6.	2 May 1986	Kuwait	"
7.	9 August 1991	*Marshall Islands ²	"
8.	29 April 1991	*Micronesia (Federated States of) ²	"
9.	17 August 1989	Oman	"
10.	8 May 1984	Philippines	"
11.	21 July 1987	Yemen	"
1.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
2.	29 July 1983	Bahamas	"
3.	13 August 1983	Belize	"
4.	22 December 1988	Brazil	"
5.	21 September 1992	Costa Rica	"
6.	15 August 1984	Cuba	"
7.	24 October 1991	Dominica	"
8.	25 April 1991	Grenada	"
9.	21 March 1983	Jamaica	"
10.	18 March 1983	Mexico	"
11.	26 September 1986	Paraguay	"
12.	7 January 1993	Saint Kitts and Nevis	"
13.	27 March 1985	Saint Lucia	"
14.	25 April 1986	Trinidad and Tobago	"
15.	10 December 1992	Uruguay	"
1.	21 June 1985	Iceland	Western European and Other States
2.	20 May 1993	Malta	"
1.	5 May 1986	Yugoslavia	Eastern European

² States which have acceded to the Convention are indicated by an asterisk (*).

**B. Chronological order of ratifications of, or accession to, the Convention,
with apportioned assessment for United Nations expenses**

<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>	<u>Per cent assessment</u> ¹
1. 10 December 1982	Fiji	Asian	0.01
2. 7 March 1983	Zambia	African	0.01
3. 18 March 1983	Mexico	Latin Am./Carib.	0.88
4. 21 March 1983	Jamaica	Latin Am./Carib.	0.01
5. 18 April 1983	Namibia	Africa	0.01
6. 7 June 1983	Ghana	African	0.01
7. 29 July 1983	Bahamas	Latin Am./Carib.	0.02
8. 13 August 1983	Belize	Latin Am./Carib.	0.01
9. 26 August 1983	Egypt	African	0.07
10. 26 March 1984	Côte d'Ivoire	African	0.02
11. 8 May 1984	Philippines	Asian	0.07
12. 22 May 1984	Gambia	African	0.01
13. 15 August 1984	Cuba	Latin Am./Carib.	0.09
14. 25 October 1984	Senegal	African	0.01
15. 23 January 1985	Sudan	African	0.01
16. 27 March 1985	Saint Lucia	Latin Am./Carib.	0.01
17. 16 April 1985	Togo	African	0.01
18. 24 April 1985	Tunisia	African	0.03
19. 30 May 1985	Bahrain	Asian	0.03
20. 21 June 1985	Iceland	W. European & Others	0.03
21. 16 July 1985	Mali	African	0.01
22. 30 July 1985	Iraq	Asian	0.13
23. 6 Sept. 1985	Guinea	African	0.01
24. 30 Sept. 1985	Tanzania	African	0.01
25. 19 November 1985	Cameroon	African	0.01

¹ See ST/ADM/SER.B/40, annex II.

<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>	<u>Per cent assessment</u> ¹
26. 3 February 1986	Indonesia	Asian	0.16
27. 25 April 1986	Trinidad/Tobago	LatinAm./Carib.	0.05
28. 2 May 1986	Kuwait	Asian	0.25
29. 5 May 1986	Yugoslavia	Eastern European	0.16
30. 14 August 1986	Nigeria	African	0.20
31. 25 August 1986	Guinea-Bissau	African	0.01
32. 26 Sept. 1986	Paraguay	Latin Am./Carib.	0.02
33. 21 July 1987	Yemen	Asian	0.01
34. 10 August 1987	Cape Verde	African	0.01
35. 3 November 1987	Sao Tome/Principe	African	0.01
36. 12 December 1988	Cyprus	Asian	0.02
37. 22 December 1988	Brazil	Latin Am./Carib.	1.59
38. 2 February 1989	Antigua and Barbuda	Latin Am./Carib.	0.01
39. 17 February 1989	Zaire	African	0.01
40. 2 March 1989	Kenya	African	0.01
41. 24 July 1989	Somalia	African	0.01
42. 17 August 1989	Oman	Asian	0.03
43. 2 May 1990	Botswana	African	0.01
44. 9 November 1990	Uganda	African	0.01
45. 5 December 1990	Angola	African	0.01
46. 25 April 1991	Grenada	Latin Am./Carib.	0.01
47. 29 April 1991	Micronesia (Fed. States of) ²	Asian	0.01
48. 9 August 1991	Marshall Islands ²	Asian	0.01
49. 16 September 1991	Seychelles	African	0.01
50. 8 October 1991	Djibouti	African	0.01

¹ Ibid.

² Accession to the Convention.

<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>	<u>Per cent assessment</u> ¹
51. 24 October 1991	Dominica	Latin Am./Carib.	0.01
52. 21 September 1992	Costa Rica	Latin Am..Carib.	0.01
53. 10 December 1992	Uruguay	Latin Am./Carib.	0.04
54. 7 January 1993	St. Kitts and Nevis	Latin Am./Carib.	0.01
55. 24 February 1993	Zimbabwe	Africa	0.01
56. 20 May 1993	Malta	W. European & Others	<u>0.01</u> <u>4.25</u>

¹ Ibid.

C. Declaration made upon ratification

[Original: English]

MALTA

The ratification of the United Nations Convention on the Law of the sea is a reflection of Malta's recognition of the many positive elements it contains, including its comprehensiveness and its role in the application of the concept of the common heritage of mankind.

At the same time, it is realized that the effectiveness of the regime established by the Convention depends to a great extent on the attainment of its universal acceptance, not least by major maritime States and those with technology which are most affected by the regime.

The effectiveness of the provisions of Part IX on "enclosed or semi-enclosed seas", which provide for cooperation of States bordering such seas, like the Mediterranean, depends on the acceptance of the Convention by the States concerned. To this end, the Government of Malta encourages and actively supports all efforts at achieving this universality.

The Government of Malta interprets articles 69 and 70 of the Convention as meaning that access to fishing in the exclusive economic zone of third States by vessels of developed land-locked and geographically disadvantaged States is dependent upon the prior granting of access by the coastal States in question to the nationals of other States which have habitually fished in the said zone.

The baselines as established by Maltese legislation for the delimitation of the territorial sea and related areas, for the archipelago of the islands of Malta and which incorporate the island of Filfla as one of the points from which baselines are drawn, are fully in line with the relevant provisions of the Convention.

The Government of Malta interprets article 74 and article 83 to the effect that in the absence of agreement on the delimitation of the exclusive economic zone or the continental shelf or other maritime zones, for an equitable solution to be achieved, the boundary shall be the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other States is measured.

The exercise of the right of innocent passage of warships through the territorial sea of other States should also be perceived to be a peaceful one. Effective and speedy means of communication are easily available and make the prior notification of the exercise of the right of innocent passage of warships reasonable and not incompatible with the Convention. Such notification is already required by some States. Malta reserves the right to legislate on this point.

Malta is also of the view that such a notification requirement is needed in respect of nuclear-powered ships or ships carrying nuclear or other inherently dangerous or noxious substances. Furthermore, no such ships shall be allowed within Maltese internal waters without the necessary authorization.

Malta is of the view that the sovereign immunity contemplated in article 236 does not exonerate a State from such obligation, moral or otherwise, in accepting responsibility and liability for compensation and relief in respect of damage caused by pollution of the marine environment by any warship, naval auxiliary, other vessels or aircraft owned or operated by the State and used on government non-commercial service.

Legislation and regulations concerning the passage of ships through Malta's territorial sea are compatible with the provisions of the Convention. At the same time, the right is reserved to develop further this legislation in conformity with the Convention as may be required.

Malta declares itself in favour of establishing sea lanes and special regimes for foreign fishing vessels transversing its territorial sea.

Note is taken of the statement by the European Community made at the time of signature of the Convention regarding the fact that its Member States have transferred competence to it with regard to certain aspects of the Convention. In view of Malta's application to join the European Community, it is understood that this will also become applicable to Malta on membership.

The Government of Malta does not consider itself bound by any of the declarations which other States may have made, or will make upon signing or ratifying the Convention, reserving the right as necessary to determine its position with regard to each of them at the appropriate time. In particular, ratification of the Convention does not imply automatic recognition of maritime or territorial claims by any signatory or ratifying State.

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

A. United Nations General Assembly resolutions of interest

1. General Assembly resolution 47/65 of 11 December 1992

Law of the Sea¹

The General Assembly,

Recalling its previous resolutions, including resolution 46/78 of 12 December 1991, on the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea,² the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

Recalling that the Convention provides the regime to be applied to the Area and its resources,

Recalling with satisfaction the expressions of willingness to explore all possibilities of addressing issues of concern to some States in order to secure universal participation in the Convention,³

¹ Document A/RES/47/65.

² Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

³ See A/44/650 and Corr.1, paras. 156 and 158.

Recognizing the need for cooperation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, ⁴

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration of six pioneer investors ⁵ and the designation by the Preparatory Commission of reserved areas for the International Seabed Authority from the application areas submitted by the pioneer investors pursuant to resolution II, bearing in mind that such registration entails both rights and obligations for pioneer investors,

Noting the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal regime established by the Convention,

Concerned that the developing countries are as yet unable to take effective measures for the full realization of these benefits owing to the lack of resources and of the necessary scientific and technological capabilities,

Recognizing the need to enhance and supplement the efforts of States and competent international organizations aimed at enabling developing countries to acquire such capabilities,

Recognizing also that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Deeply concerned at the current state of the marine environment,

Mindful of the importance of the Convention for the protection of the marine environment,

Noting with concern the use of fishing methods and practices, including those aimed at evading regulations and controls, which can have an adverse impact on the conservation and management of living marine resources,

⁴ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

⁵ See A/46/724, paras. 146-151.

Considering the need for effective and balanced conservation and management of living marine resources, giving full effect to the relevant provisions in the Convention,

Taking note of activities carried out in 1992 under programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, ⁶ taking into account the restructuring of the Secretariat of the Organization, ⁷ and of the report of the Secretary-General, prepared pursuant to paragraph 23 of General Assembly resolution 46/78,⁸

Noting with satisfaction the special report of the Secretary-General, prepared pursuant to paragraph 22 of General Assembly resolution 46/78, on the progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea, in the light of the tenth anniversary in 1992 of its adoption,⁹

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea, especially on the occasion of the tenth anniversary in 1992 of its adoption, as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and fifty-three of the sixty ratifications or accessions required for entry into force of the Convention;

3. Invites all States to make renewed efforts to facilitate universal participation in the Convention;

4. Notes with appreciation the initiative of the Secretary-General to promote dialogue aimed at addressing issues of concern to some States in order to achieve universal participation in the Convention; ¹⁰

5. Recognizes that political and economic changes, including particularly a growing reliance on market principles, underscore the need to re-evaluate, in the light of the

⁶ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. I.

⁷ See A/46/882.

⁸ A/47/623.

⁹ A/47/512.

¹⁰ See A/47/623, paras. 20-23.

issues of concern to some States, ¹¹ matters in the regime to be applied to the Area and its resources, and that a productive dialogue on such issues involving all interested parties would facilitate the prospect of universal participation in the Convention, for the benefit of mankind as a whole;

6. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal regime for the uses of the sea and its resources, and calls upon all States to take appropriate steps to promote universal participation in the Convention, including through dialogue aimed at addressing the issues of concern to some States;

7. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose;

8. Also calls upon States to observe the provisions of the Convention when enacting their national legislation;

9. Notes the progress being made by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea in all areas of its work;

10. Recalls the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States adopted by the Preparatory commission on 30 August 1990, as well as the understandings adopted on 12 March 1992, and 18 August 1992; ¹²

11. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, and requests him, in the execution of programme 10, to continue to provide an effective response to the increased needs of States for assistance in the implementation of the Convention;

12. Also expresses its appreciation to the Secretary-General for the report prepared pursuant to paragraph 23 of General Assembly resolution 46/78 and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal regime of the sea, special emphasis being placed on the work of the Preparatory Commission, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea;

¹¹ Ibid., para. 21.

¹² LOS/PCN/L.87, annex; LOS/PCN/L.102, annex; and LOS/PCN/L.108, annex.

13. Welcomes regional efforts being undertaken by developing countries to integrate the ocean sector in national development plans and programmes through the process of international cooperation and assistance, in particular the initiatives mentioned in the report of the Secretary-General;¹³

14. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal regime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to cooperate and lend assistance in these endeavours;

15. Urges interested Member States, in particular States with advanced marine capabilities, to review relevant policies and programmes in the context of the integration of the marine sector in national development strategies, and to explore prospects for intensifying cooperation with developing countries, including those of regions active in this field;

16. Requests the competent international organizations, the United Nations Development Programme, the World Bank and other multilateral funding agencies, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the comprehensive legal regime established by the Convention and to strengthen cooperation among themselves and with donor States in the provision of such assistance;

17. Also requests the Secretary-General to keep under review, in cooperation with States and the competent international organizations, the measures being undertaken and any necessary follow-up action, in order to facilitate the realization by States of the benefits of the comprehensive legal regime established by the Convention and to report thereon periodically to the General Assembly;

18. Approves the decision of the Preparatory Commission to hold its eleventh regular session at Kingston from 22 March to 2 April 1993 and to hold, as appropriate, a summer meeting in New York in 1993;

19. Recognizes that the protection of the marine environment will be significantly enhanced by the implementation of applicable provisions of the Convention;

20. Reiterates its call to States and other members of the international community to strengthen their cooperation and to take measures with a view to giving full effect to the provisions in the Convention on the conservation and management of living marine resources, including the prevention of fishing methods and practices which can have an

¹³ See A/47/623, paras. 173-177.

adverse impact on the conservation and management of living marine resources and, in particular, to comply with bilateral and regional measures applicable to them aimed at effective monitoring and enforcement;

21. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;

22. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Law of the sea".

2. General Assembly resolution 47/192 of 22 December 1992

United Nations conference on straddling fish stocks and highly migratory fish stocks¹

The General Assembly,

Recalling Agenda 21,² adopted at the United Nations Conference on Environment and Development, in particular chapter 17, programme area C, relating to the sustainable use and conservation of marine living resources of the high seas,

Recalling also the Strategy for Fisheries Management and Development, adopted by the World Conference on Fisheries Management and Development,³

Taking note of the Declaration of Cancun,⁴ adopted at the International Conference on Responsible Fishing, held at Cancun, Mexico, from 6 to 8 May 1992,

Inviting all members of the international community, particularly those with fishing interests, to strengthen their cooperation in the conservation and management of living marine resources, in accordance with the provisions of the United Nations Convention on the Law of the Sea,⁵

Taking note of relevant recent discussions on international fisheries,

1. Decides to convene in 1993, under United Nations auspices and in accordance with the mandate agreed upon at the United Nations Conference on Environment and Development, an intergovernmental conference on straddling fish stocks and highly migratory fish stocks, which should complete its work before the forty-ninth session of the General Assembly;

¹ Document A/RES/47/192.

² Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1(Vol.I)/United Nations publication, Sales No.E.93.I.8), chap. I, resolution 1, annex II.

³ See Food and Agriculture Organization of the United Nations, Report of the FAO World Conference on Fisheries Management and Development, Rome, 27 June-6 July 1984 (Rome, 1984).

⁴ A/CONF.151/15, annex.

⁵ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

2. Also decides that the intergovernmental conference, in accordance with the said mandate, shall take into account relevant activities at the subregional, regional and global levels, with a view to promoting effective implementation of the provisions of the United Nations Convention on the Law of the Sea on straddling fish stocks and highly migratory fish stocks, and that it, drawing, inter alia, on scientific and technical studies by the Food and Agriculture Organization of the United Nations, should:

(a) Identify and assess existing problems related to the conservation and management of such fish stocks;

(b) Consider means of improving fisheries cooperation among States;

(c) Formulate appropriate recommendations;

3. Reaffirms that the work and results of the conference should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea,⁶ in particular the rights and obligations of coastal States and States fishing on the high seas, and that States should give full effect to the high seas fisheries provisions of the Convention with regard to fisheries populations whose ranges lie both within and beyond exclusive economic zones (straddling fish stocks) and highly migratory fish stocks;

4. Requests the Secretary-General to invite to the conference those listed in paragraph 9 of its resolution 46/168 of 19 December 1991 and in its decisions 46/469 and 46/470 of 13 April 1992, and also to invite regional and subregional fisheries organizations to attend as observers;

5. Decides that in 1993 the conference shall hold an organizational session of up to five days at United Nations Headquarters for the purposes of electing a chairman and other officers, namely, three vice-chairmen and a rapporteur, giving due regard to equitable geographical representation, and of organizing its work;

6. Requests the Secretary-General to make appropriate secretariat arrangements;

7. Decides that in 1993 the conference shall hold a session of three weeks' duration in July at United Nations Headquarters to deal with substantive matters;

8. Requests the Secretary-General to prepare draft rules of procedure for the consideration of the conference at its organizational session;

9. Decides to establish a voluntary fund for the purpose of assisting developing countries, especially those most concerned by the subject-matter of the conference, in

⁶ Ibid.

particular the least developed among them, to participate fully and effectively in the conference, and invites Governments and regional economic integration organizations to contribute to the fund;

10. Also decides that the funds necessary for the preparatory process and the conference itself should, subject to the relevant provisions of General Assembly resolutions 40/243 of 18 December 1985, 41/213 of 19 December 1986 and 42/211 of 21 December 1987, be made available within the programme budget without adversely affecting other ongoing activities and without prejudice to the provision of extra budgetary resources;

11. Invites relevant specialized agencies, particularly the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, as well as regional and subregional fisheries organizations, to contribute relevant scientific and technical studies and reports and to organize regional and subregional technical meetings in order to contribute to the work of the conference;

12. Invites relevant non-governmental organizations from developed and developing countries to contribute to the conference, within the areas of their competence and expertise, on the basis of procedures for their accreditation used for the United Nations Conference on Environment and Development, as recommended in paragraph 38.44 of Agenda 21; ²

13. Requests the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the work of the conference;

14. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, agencies, programmes and bodies within the United Nations system, regional and subregional fisheries organizations and relevant non-governmental organizations;

15. Decides to include in the provisional agenda of its forty-eighth session, under an item entitled "Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development", a sub-item entitled "Sustainable use and conservation of the marine living resources of the high seas: United Nations conference on straddling fish stocks and highly migratory fish stocks".

B. Recent national legislation received from Governments

1. BRAZIL¹

Law No. 8617 of 4 January 1993, on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf²

The President of the Republic

I hereby make it known that the National Congress decrees and I sanction the following law:

CHAPTER I

Territorial Sea

Article 1

The Brazilian territorial sea is a belt of sea twelve nautical miles in breadth, measured from the low-water line along the Brazilian coast, as marked on large-scale charts officially recognized by Brazil.

Sole Paragraph

In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines, joining appropriate points, will be employed in drawing the baseline from which the breadth of the territorial sea is measured.

Article 2

The sovereignty of Brazil extends to the territorial sea, to the airspace over the territorial sea, as well as to its bed and subsoil.

¹ Text accompanied by an unofficial translation transmitted by the Permanent Mission of Brazil to the United Nations in a note verbale dated 18 February 1993.

² Published in the Federative Republic of Brazil Diario Oficial (Official Gazette), No. 2, Tuesday, 5 January 1993.

Article 3

Ships of all States enjoy the right of innocent passage through the Brazilian territorial sea.

Paragraph 1. - Passage is innocent as long as it is not prejudicial to peace, good order or the security of Brazil and shall be continuous and expeditious.

Paragraph 2. - Innocent passage may include stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Paragraph 3. - In the Brazilian territorial sea, foreign ships are subject to the regulations established by the Brazilian Government.

CHAPTER II

The Contiguous Zone

Article 4

The Brazilian contiguous zone is a belt of sea which extends from twelve to twenty-four nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 5

In the contiguous zone, Brazil may exercise the control necessary to:

I. Prevent infringement of the customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;

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

CHAPTER III

Exclusive Economic Zone

Article 6

The Brazilian exclusive economic zone is a belt of sea which extends from twelve to two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 7

In the exclusive economic zone, Brazil has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed, of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone.

Article 8

In the exclusive economic zone, Brazil, in exercising its jurisdiction, has the exclusive right to regulate marine scientific research, the protection and preservation of the marine environment, as well as the establishment, operation and use of all types of artificial islands, installations and structures.

Article 9

In the exclusive economic zone, military exercises and manoeuvres, in particular those involving the use of weapons or explosives, may only be carried out by other States with the consent of the Brazilian Government.

Article 10

In the exclusive economic zone, all States enjoy the freedoms of navigation and overflight, as well as other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships and aircraft.

CHAPTER IV

Continental Shelf

Article 11

The continental shelf of Brazil comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles

from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

Sole Paragraph

The outer limits of the continental shelf will be established in accordance with article 76 of the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982.

Article 12

Brazil exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

Sole Paragraph

The natural resources referred to in this article consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Article 13

In the continental shelf, Brazil, in exercising its jurisdiction, has the exclusive right to regulate marine scientific research, the protection and preservation of the marine environment, as well as the construction, operation and use of all types of artificial islands, installations and structures.

Paragraph 1. In the continental shelf, marine scientific research may only be carried out by other States with the consent of the Brazilian Government, in accordance with the current legislation which regulates the matter.

Paragraph 2. The Brazilian Government has the exclusive right to authorize and to regulate drilling on the continental shelf, for any purpose.

Article 14

All States are entitled to lay submarine cables and pipelines on the continental shelf.

Paragraph 1. The delineation of the course for the laying of such cables and pipelines on the continental shelf is subject to the consent of the Brazilian Government.

Paragraph 2. The Brazilian Government may establish conditions for the laying of cables or pipelines entering its territory or territorial sea.

Article 15

This law enters into force on the date of its publication.

Article 16

Decree Law No. 1,098, of 25 March 1970, and other provisions to the contrary are hereby revoked.

Brasilia, 4 January 1993, 172nd year of the Independence and 105th year of the Republic.

2. QATAR ¹

Decree No. 40 of 1992 defining the Breadth of the Territorial Sea and Contiguous Zone of the State of Qatar, 16 April 1992

We, Khalifa Bin Hamad Al-Thani, Amir of the State of Qatar,

After seeing the amended Provisional Constitution, especially articles 2, 23 and 34;

Customs Law No. 5 of 1988;

Law No. 3 of 1963 regulating the entrance and residence of foreigners in Qatar and its amendments;

The Geneva Convention on the Territorial Sea and Contiguous Zone which was adopted by the First United Nations Conference on the Law of the Sea on 29 April 1958;

Kuwait's Regional Agreement on Cooperation for the Protection of Marine Environment from Pollution, and the Protocol on Regional Cooperation for Fighting against Pollution of Oil and other Harmful Materials in Emergency Cases, ratified by Decree No. 55 of 1978;

The Agreement Providing for the Setting up and Maintenance of the Submarine Cable between the State of Qatar, the State of Bahrain and the United Arab Emirates, ratified by Decree No. 27 of 1980;

The International Agreement of 1974 on the Safety of Lives at Sea to which the State of Qatar has acceded by Decree No. 84 of 1980;

The United Nations Convention on the Law of the Sea of 1982, which was signed by the State of Qatar on 27 November 1984 pursuant to the Cabinet decision issued on 31 October 1984, at the Cabinet's ordinary meeting No. 32 of 1984;

The Declaration of the Ministry of Foreign Affairs of 12 Jamad Awal 1394 H. corresponding to 2 June 1974;

¹ Text transmitted by the Permanent Mission of Qatar to the United Nations in a note verbale dated 26 February 1993.

The proposals of the Ministers of Defence and of the Interior; and

The draft decree submitted by the Cabinet;

Have decided the following:

Article 1

The breadth of the territorial sea of the State of Qatar is twelve nautical miles measured from the baselines determined in accordance with the rules of international law.

Article 2

The State of Qatar exercises sovereignty over its territorial sea, the airspace, seabed and subsoil thereof in accordance with international law and the laws and regulations of the State of Qatar in conformity with the right of innocent passage by ships and aircraft of other countries.

Article 3

The State of Qatar has a contiguous zone with a breadth of twelve nautical miles measured from the outer limit of the territorial sea, over which the State exercises all rights and powers provided for in international law.

Article 4

The Cabinet shall issue the decisions necessary for the implementation of this Decree.

Article 5

All concerned authorities shall carry out this Decree in their respective fields. It shall come into force on the date of issue and shall be published in the Official Gazette.

3. SWEDEN

Act on Sweden's economic zone; promulgated on 3 December 1992¹

By a decision taken by Parliament, the following has been enacted:

General provisions

Article 1

Sweden's economic zone includes the marine area outside the territorial boundary prescribed by the Government. The zone may not, however, extend beyond a demarcation line which has been agreed upon with another State, or, in the absence of such an agreement, beyond the midline in relation to the other State.

The word "midline" shall be understood to mean a line each point of which is situated at an equal distance from the nearest points on the baselines from which the breadth of Sweden's and the other State's territorial sea is reckoned.

Protection of the marine environment

Article 2

Persons navigating in the economic zone or carrying out research or other activities in the zone shall take such measures as are necessary for the avoidance of damage to the marine environment.

The Government or such authority as the Government determines may publish regulations for the protection and preservation of the marine environment.

Article 3

Further provisions for protection against certain pollutants of the marine environment may be found in Act 1980:424, concerning measures against water pollution from vessels, and in Act 1974:1154, concerning the dumping of wastes into the water.

¹ Text transmitted by the Permanent Mission of Sweden to the United Nations; translation by the United Nations Secretariat.

Utilization of natural resources, etc.

Article 4

With regard to fishing in the economic zone, Act 1950:596, concerning the right to fishing, shall apply. With regard to the right to explore the floor of the continental shelf in the zone and to exploit the natural resources of the continental shelf, Act 1966:314, concerning the continental shelf, shall apply.

Article 5

With reference to natural resources in the economic zone other than those referred to in article 4, a licence from the Government or from such authority as the Government determines shall be required for:

1. The investigation, extraction and other utilization of such natural resources;
2. The establishment and utilization of artificial islands;
3. The establishment and utilization of installations and other equipment for commercial purposes.

A decision to grant a licence shall specify the activity to which the licence relates and the conditions that shall apply to the activity. A licence may be restricted to a specific time.

Article 6

In the examination of licences referred to in article 5 Act 1987:12, concerning the economy of natural resources and the like, shall apply.

Article 7

The Government, or such authority as the Government determines, may, in order to protect an artificial island, installation or other equipment which has come into being on the basis of this Act, publish regulations concerning a security zone extending not more than 500 metres from the outer edge of the island or equipment.

Article 8

A licence may be revoked if the licensee disregards his obligations under this Act or under the regulations or conditions which have been published on the basis of the Act or if any other reasonable cause exists.

If a licence is revoked even though the licensee has not disregarded his obligations, he shall have the right to compensation from the State for the loss resulting from the measures he has taken in connection with licence.

Marine scientific research

Article 9

Marine scientific research may not be carried out in the economic zone by foreign nationals without permission from the Government or such authority as the Government determines. The Government or such authority as the Government determines may prescribe that an application for a licence shall be replaced by a notification or that neither the licence nor the notification shall be necessary.

The licence may be restricted to a specific time and may be associated with conditions. With regard to the revocation of licences and the right to compensation in such a case, the provisions of article 8 shall apply.

Principles relating to international law

Article 10

This Act, as well as the regulations and conditions that are published on the basis of the Act, shall not include any restrictions of the rights, existing under international law, to free navigation in the economic zone, to overflight of the zone and to the placement of cables and pipelines in the zone, nor of any other rights that follow from the generally recognized principles of international law.

Supervision, etc.

Article 11

Supervision of compliance with this Act, as well as with the regulations and conditions which have been published on the basis of the Act, shall be exercised by such authority or authorities as the Government determines.

Article 12

Any person who carries out an activity in accordance with this Act shall be required to supply to a supervisory authority, upon request, such information and documents as are necessary for the supervision.

Article 13

A supervisory authority may publish such orders as are necessary to ensure that this Act and the regulations and conditions published on the basis of this Act are complied with.

An order may be associated with a fine.

Article 14

If an activity is carried out in such a way that it obviously constitutes a danger to the environment or to some other public or individual interest, a supervisory authority may prohibit the activity. A decision to impose such a prohibition shall be applicable immediately and may be put into effect notwithstanding the fact that it has not acquired the force of law.

Applicable law, penalties, etc.

Article 15

On an artificial island, installation or other equipment which has been established on the basis of this Act, Swedish law shall apply in the same manner as if the equipment were situated within the country. The equipment shall then be regarded as being situated within the nearest part of Sweden's territorial sea.

Article 16

A fine shall be imposed on any person who intentionally or through negligence:

1. Fails to comply with a regulation that has been published on the basis of article 2 or article 7;
2. Carries out an activity in violation of article 5 or article 9 or disregards a condition that has been published on the basis of article 5 or article 9;
3. Continues to carry out an activity after the supervisory authority has prohibited the activity on the basis of Article 14.

Article 17

Any person who has committed an offence referred to in article 16 shall be judged by a Swedish court even if Chapter 2, article 2, or article 3, of the Criminal Code is not applicable.

If an offence against this Act or against a regulation which has been published on the basis of the Act has been committed in the economic zone, prosecution for that offence shall be instituted by the district court [tingsrät] whose area of competence is nearest to the place where the offence was committed.

Article 18

Other decisions in special cases than those which the Government or an ordinary court [allmän domstol] has published in accordance with this Act or in accordance with the regulations published on the basis of this Act may be appealed to the administrative court of appeal (kammarrätten).

This Act shall enter into force on 1 January 1993.

4. THAILAND ¹

Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand ²

Whereas the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 ³ was made to confirm the status of the straight baselines and internal waters of Thailand;

Whereas there are certain errors in the aforesaid Announcement;

Whereas the name of an island referred to in the aforesaid announcement has now been changed;

The Cabinet, by its decision of 11 August 1992, has amended the aforesaid Announcement as follows:

1. The geographical names and geographical coordinates of Reference Number 5, Reference Number 12 and Reference Number 22 of Area No. III of the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 are hereby repealed and substituted by the following:

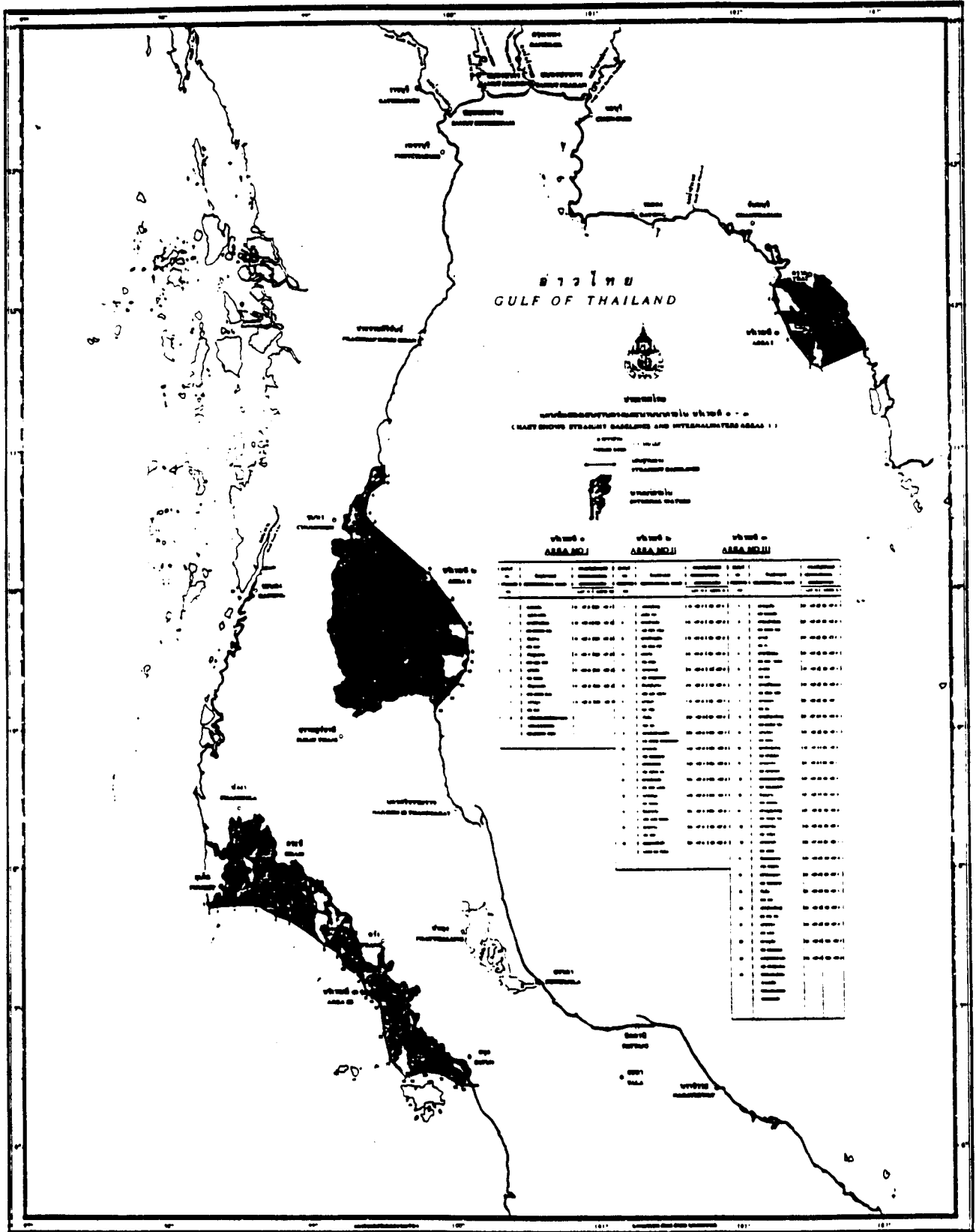
REFERENCE NO.	GEOGRAPHICAL NAME	GEOGRAPHICAL COORDINATES	
		LAT. N.	LONG. E.
5	Ko Kai	07° - 44' .6	98° - 37' .1
12	Ko Bulaobot	07° - 04' .3	99° - 23' .7
22	Ko Khuning	06° - 26' .7	100° - 03' .7

¹ Text transmitted by the Permanent Mission of Thailand to the United Nations in note verbale No. 401/2536 dated 8 March 1993.

² Published in the Official Gazette, vol. 110, chapter 18, 18 February 1993.

³ The Law of the Sea, Baselines: National Legislation with Illustrative Maps (United Nations publication, Sales No. E.89.V.10), p. 306.

2. The map annexed to the Announcement of the Office of the Prime Minister concerning the Straight Baselines and Internal Waters of Thailand dated 11 June 1970 is hereby repealed and substituted by the map annexed to this present Announcement.



NAVY DEPARTMENT, BANGKOK, THAILAND

C. Treaties

Regional treaties

1. Convention for the Protection of the Marine Environment
of the North-East Atlantic, 22 September 1992

The Contracting Parties

Recognizing that the marine environment and the fauna and flora which it supports are of vital importance to all nations,

Recognizing the inherent worth of the marine environment of the North-East Atlantic and the necessity for providing coordinated protection for it,

Recognizing that concerted action at national, regional and global levels is essential to prevent and eliminate marine pollution and to achieve sustainable management of the maritime area, that is, the management of human activities in such a manner that the marine ecosystem will continue to sustain the legitimate uses of the sea and will continue to meet the needs of present and future generations,

Mindful that the ecological equilibrium and the legitimate uses of the sea are threatened by pollution,

Considering the recommendations of the United Nations Conference on the Human Environment, held at Stockholm in June 1972,

Considering also the results of the United Nations Conference on the Environment and Development held at Rio de Janeiro in June 1992,

Recalling the relevant provisions of customary international law reflected in Part XII of the United Nations Convention on the Law of the Sea and, in particular, article 197 on global and regional cooperation for the protection and preservation of the marine environment,

Considering that the common interests of States concerned with the same marine area should induce them to cooperate at regional or subregional levels,

Recalling the positive results obtained within the context of the Convention for the prevention of marine pollution by dumping from ships and aircraft signed at Oslo on 15 February 1972, as amended by the protocols of 2 March 1983 and 5 December 1989, and the Convention for the Prevention of Marine Pollution from Land-based Sources signed at Paris on 4 June 1974, as amended by the Protocol of 26 March 1986,

Convinced that further international action to prevent and eliminate pollution of the sea should be taken without delay, as part of progressive and coherent measures to protect the marine environment,

Recognizing that it may be desirable to adopt, on the regional level, more stringent measures with respect to the prevention and elimination of pollution of the marine environment or with respect to the protection of the marine environment against the adverse effects of human activities than are provided for in international conventions or agreements with a global scope,

Recognizing that questions relating to the management of fisheries are appropriately regulated under international and regional agreements dealing specifically with such questions,

Considering that the present Oslo and Paris Conventions do not adequately control some of the many sources of pollution, and that it is therefore justifiable to replace them with the present Convention, which addresses all sources of pollution of the marine environment and the adverse effects of human activities upon it, takes into account the precautionary principle and strengthens regional cooperation,

Have agreed as follows:

Article 1
Definitions

For the purposes of the Convention:

- (a) "Maritime area" means the internal waters and the territorial seas of the Contracting Parties, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal State to the extent recognized by international law, and the high seas, including the bed of all those waters and its subsoil, situated within the following limits:
 - (i) those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding:

- (1) the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen,
- (2) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;
 - (ii) that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude;
- (b) "Internal waters" means the waters on the landward side of the baselines from which the breadth of the territorial sea is measured, extending in the case of watercourses up to the freshwater limit;
- (c) "Freshwater limit" means the place in a watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of seawater;
- (d) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea;
- (e) "Land-based sources" means point and diffuse sources on land from which substances or energy reach the maritime area by water, through the air, or directly from the coast. It includes sources associated with any deliberate disposal under the seabed made accessible from land by tunnel, pipeline or other means and sources associated with man-made structures placed in the maritime area under the jurisdiction of a Contracting Party, other than for the purpose of offshore activities;
- (f) "Dumping" means
 - (i) any deliberate disposal in the maritime area of wastes or other matter:
 - (1) from vessels or aircraft;
 - (2) from offshore installations;
 - (ii) any deliberate disposal in the maritime area of:
 - (1) vessels or aircraft;

- (2) offshore installations and offshore pipelines;
- (g) "Dumping" does not include:
 - (i) the disposal in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, or other applicable international law, of wastes or other matter incidental to, or derived from, the normal operations of vessels or aircraft or offshore installations other than wastes or other matter transported by or to vessels or aircraft or offshore installations for the purpose of disposal of such wastes or other matter or derived from the treatment of such wastes or other matter on such vessels or aircraft or offshore installations;
 - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that, if the placement is for a purpose other than that for which the matter was originally designed or constructed, it is in accordance with the relevant provisions of the Convention; and
 - (iii) for the purposes of annex III, the leaving wholly or partly in place of a disused offshore installation or disused offshore pipeline, provided that any such operation takes place in accordance with any relevant provision of the Convention and with other relevant international law;
- (h) "Incineration" means any deliberate combustion of wastes or other matter in the maritime area for the purpose of their thermal destruction;
- (i) "Incineration" does not include the thermal destruction of wastes or other matter in accordance with applicable international law incidental to, or derived from the normal operation of vessels or aircraft, or offshore installations other than the thermal destruction of wastes or other matter on vessels or aircraft or offshore installations operating for the purpose of such thermal destruction;
- (j) "Offshore activities" means activities carried out in the maritime area for the purposes of the exploration, appraisal or exploitation of liquid and gaseous hydrocarbons;
- (k) "Offshore sources" means offshore installations and offshore pipelines from which substances or energy reach the maritime area;
- (l) "Offshore installation" means any man-made structure, plant or vessel or parts thereof, whether floating or fixed to the seabed, placed within the maritime area for the purpose of offshore activities;

- (m) "Offshore pipeline" means any pipeline which has been placed in the maritime area for the purpose of offshore activities;
- (n) "Vessels or aircraft" means water-borne or airborne craft of any type whatsoever, their parts and other fittings. This expression includes air-cushion craft, floating craft whether self-propelled or not, and other man-made structures in the maritime area and their equipment, but excludes offshore installations and offshore pipelines;
- (o) "Wastes or other matter" does not include:
 - (i) human remains;
 - (ii) offshore installations;
 - (iii) offshore pipelines;
 - (iv) unprocessed fish and fish offal discarded from fishing vessels;
- (p) "Convention" means, unless the text otherwise indicates, the Convention for the Protection of the Marine Environment of the North-East Atlantic, its annexes and appendices;
- (q) "Oslo Convention" means the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft signed at Oslo on 15 February 1972, as amended by the Protocols of 2 March 1983 and 5 December 1989;
- (r) "Paris Convention" means the Convention for the Prevention of Marine Pollution from Land-based Sources, signed at Paris on 4 June 1974, as amended by the Protocol of 26 March 1986;
- (s) "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by the Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the Convention.

Article 2
General obligations

1. (a) The Contracting Parties shall, in accordance with the provisions of the Convention, take all possible steps to prevent and eliminate pollution and shall take the necessary measures to protect the maritime area against the adverse effects of human

activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected.

(b) To this end the Contracting Parties shall, individually and jointly, adopt programmes and measures and shall harmonize their policies and strategies.

2. The Contracting Parties shall apply:

(a) the precautionary principle, by virtue of which preventive measures are to be taken when there are reasonable grounds for concern that substances or energy introduced, directly or indirectly, into the marine environment may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between the inputs and the effects;

(b) the "polluter pays" principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter.

3. (a) In implementing the Convention, the Contracting Parties shall adopt programmes and measures which contain, where appropriate, time-limits for their completion and which take full account of the use of the latest technological developments and practices designed to prevent and eliminate pollution fully.

(b) To this end they shall:

(i) taking into account the criteria set forth in appendix 1, define with respect to programmes and measures the application of, inter alia,

- best available techniques
- best environmental practice

including, where appropriate, clean technology;

(ii) in carrying out such programmes and measures, ensure the application of best available techniques and best environmental practice as so defined, including, where appropriate, clean technology.

4. The Contracting Parties shall apply the measures they adopt in such a way as to prevent an increase in pollution of the sea outside the maritime area or in other parts of the environment.

5. No provision of the Convention shall be interpreted as preventing the Contracting Parties from taking, individually or jointly, more stringent measures with respect to the prevention and elimination of pollution of the maritime area or with respect to the protection of the maritime area against the adverse effects of human activities.

Article 3
Pollution from land-based sources

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution from land-based sources in accordance with the provisions of the Convention, in particular as provided for in annex I.

Article 4
Pollution by dumping or incineration

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution by dumping or incineration of wastes or other matter in accordance with the provisions of the Convention, in particular as provided for in annex II.

Articles 5
Pollution from offshore sources

The Contracting Parties shall take, individually and jointly, all possible steps to prevent and eliminate pollution from offshore sources in accordance with the provisions of the Convention, in particular as provided for in annex III.

Article 6
Assessment of the quality of the marine environment

The Contracting Parties shall, in accordance with the provisions of the Convention, in particular as provided for in annex IV:

- (a) undertake and publish at regular intervals joint assessments of the quality status of the marine environment and of its development, for the maritime area or for regions or subregions thereof;
- (b) include in such assessments both an evaluation of the effectiveness of the measures taken and planned for the protection of the marine environment and the identification of priorities for action.

Article 7
Pollution from other sources

The Contracting Parties shall cooperate with a view to adopting annexes, in addition to the annexes mentioned in articles 3, 4, 5 and 6 above, prescribing measures, procedures and standards to protect the maritime area against pollution from other sources, to the extent that such pollution is not already the subject of effective measures agreed by other international organizations or prescribed by other international conventions.

Article 8
Scientific and technical research

1. To further the aims of the Convention, the Contracting Parties shall establish complementary or joint programmes of scientific or technical research and, in accordance with a standard procedure, transmit to the Commission:
 - (a) the results of such complementary, joint or other relevant research;
 - (b) details of other relevant programmes of scientific and technical research.
2. In so doing, the Contracting Parties shall have regard to the work carried out, in these fields, by the appropriate international organizations and agencies.

Article 9
Access to information

1. The Contracting Parties shall ensure that their competent authorities are required to make available the information described in paragraph 2 of this article to any natural or legal person, in response to any reasonable request, without that person's having to prove an interest, without unreasonable charges, as soon as possible and at the latest within two months.
2. The information referred to in paragraph 1 of this article is any available information in written, visual, aural or data-base form on the state of the maritime area, on activities or measures adversely affecting or likely to affect it and on activities or measures introduced in accordance with the Convention.
3. The provisions of this article shall not affect the right of Contracting Parties, in accordance with their national legal systems and applicable international regulations, to provide for a request for such information to be refused where it affects:
 - (a) the confidentiality of the proceedings of public authorities, international relations and national defence;

- (b) public security;
 - (c) matters which are, or have been, sub judice, or under enquiry (including disciplinary enquiries), or which are the subject of preliminary investigation proceedings;
 - (d) commercial and industrial confidentiality, including intellectual property;
 - (e) the confidentiality of personal data and/or files;
 - (f) material supplied by a third party without that party being under a legal obligation to do so;
 - (g) material, the disclosure of which would make it more likely that the environment to which such material related would be damaged.
4. The reasons for a refusal to provide the information requested must be given.

Article 10
Commission

1. A Commission, made up of representatives of each of the Contracting Parties, is hereby established. The Commission shall meet at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.
2. It shall be the duty of the Commission:
- (a) to supervise the implementation of the Convention;
 - (b) generally to review the condition of the maritime area, the effectiveness of the measures being adopted, the priorities and the need for any additional or different measures;
 - (c) to draw up, in accordance with the General Obligation of the Convention, programmes and measures for the prevention and elimination of pollution and for the control of activities which may, directly or indirectly, adversely affect the maritime area; such programmes and measure may, when appropriate, include economic instruments;
 - (d) to establish at regular intervals its programme of work;
 - (e) to set up such subsidiary bodies as it considers necessary and to define their terms of reference;

- (f) to consider and, where appropriate, adopt proposals for the amendment of the Convention in accordance with articles 15, 16, 17, 18, 19 and 27;
 - (g) to discharge the functions conferred by articles 21 and 23 and such other functions as may be appropriate under the terms of the Convention.
3. To these ends the Commission may, inter alia, adopt decisions and recommendations in accordance with article 13.
4. The Commission shall draw up its Rules of Procedure which shall be adopted by unanimous vote of the Contracting Parties.
5. The Commission shall draw up its Financial Regulations which shall be adopted by unanimous vote of the Contracting Parties.

Article 11 **Observers**

1. The Commission may, by unanimous vote of the Contracting Parties, decide to admit as an observer:
- (a) any State which is not a Contracting Party to the Convention;
 - (b) any international governmental or any non-governmental organization the activities of which are related to the Convention.
2. Such observers may participate in meetings of the Commission but without the right to vote and may present to the Commission any information or reports relevant to the objectives of the Convention.
3. The conditions for the admission and the participation of observers shall be set in the Rules of Procedure of the Commission.

Article 12 **Secretariat**

1. A permanent Secretariat is hereby established.
2. The Commission shall appoint an Executive Secretary and determine the duties of that post and the terms and conditions upon which it is to be held.

3. The Executive Secretary shall perform the functions that are necessary for the administration of the Convention and for the work of the Commission as well as the other tasks entrusted to the Executive Secretary by the Commission in accordance with its Rules of Procedure and its Financial Regulations.

Article 13

Decisions and recommendations

1. Decisions and recommendations shall be adopted by unanimous vote of the Contracting Parties. Should unanimity not be attainable, and unless otherwise provided in the Convention, the Commission may none the less adopt decisions or recommendations by a three-quarters majority vote of the Contracting Parties.

2. A decision shall be binding on the expiry of a period of two hundred days after its adoption for those Contracting Parties that voted for it and have not within that period notified the Executive Secretary in writing that they are unable to accept the decision, provided that at the expiry of that period three quarters of the Contracting Parties have either voted for the decision and not withdrawn their acceptance or notified the Executive Secretary in writing that they are able to accept the decision. Such a decision shall become binding on any other Contracting Party which has notified the Executive Secretary in writing that it is able to accept the decision from the moment of that notification or after the expiry of a period of two hundred days after the adoption of the decision, whichever is later.

3. A notification under paragraph 2 of this article to the Executive Secretary may indicate that a Contracting Party is unable to accept a decision in so far as it relates to one or more of its dependent or autonomous territories to which the Convention applies.

4. All decisions adopted by the Commission shall, where appropriate, contain provisions specifying the timetable by which the decision shall be implemented.

5. Recommendations shall have no binding force.

6. Decisions concerning any annex or appendix shall be taken only by the Contracting Parties bound by the annex or appendix concerned.

Article 14

Status of annexes and appendices

1. The annexes and appendices form an integral part of the Convention.

2. The appendices shall be of a scientific, technical or administrative nature.

Article 15
Amendment of the Convention

1. Without prejudice to the provisions of paragraph 2 of article 27 and to specific provisions applicable to the adoption or amendment of annexes or appendices, an amendment to the Convention shall be governed by the present article.
2. Any Contracting Party may propose an amendment to the Convention. The text of the proposed amendment shall be communicated to the Contracting Parties by the Executive Secretary of the Commission at least six months before the meeting of the Commission at which it is proposed for adoption. The Executive Secretary shall also communicate the proposed amendment to the signatories to the Convention for information.
3. The Commission shall adopt the amendment by unanimous vote of the Contracting Parties.
4. The adopted amendment shall be submitted by the Depositary Government to the Contracting Parties for ratification, acceptance or approval. Ratification, acceptance or approval of the amendment shall be notified to the Depositary Government in writing.
5. The amendment shall enter into force for those Contracting Parties which have ratified, accepted or approved it on the thirtieth day after receipt by the Depositary Government of notification of its ratification, acceptance or approval by at least seven Contracting Parties. Thereafter the amendment shall enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification, acceptance or approval of the amendment.

Article 16
Adoption of Annexes

The provisions of article 15 relating to the amendment of the Convention shall also apply to the proposal, adoption and entry into force of an annex to the Convention, except that the Commission shall adopt any annex referred to in article 7 by a three-quarters majority vote of the Contracting Parties.

Article 17
Amendment of annexes

1. The provisions of article 15 relating to the amendment of the Convention shall also apply to an amendment to an annex to the Convention, except that the Commission shall adopt amendments to any annex referred to in articles 3, 4, 5, 6 or 7 by a three-quarters majority vote of the Contracting Parties bound by that annex.

2. If the amendment of an annex is related to an amendment to the Convention, the amendment of the annex shall be governed by the same provisions as apply to the amendment to the Convention.

Article 18 **Adoption of appendices**

1. If a proposed appendix is related to an amendment to the Convention or an annex, proposed for adoption in accordance with article 15 or article 17, the proposal, adoption and entry into force of that appendix shall be governed by the same provisions as apply to the proposal, adoption and entry into force of that amendment.

2. If a proposed appendix is related to an annex to the Convention, proposed for adoption in accordance with article 16, the proposal, adoption and entry into force of that appendix shall be governed by the same provisions as apply to the proposal, adoption and entry into force of that annex.

Article 19 **Amendment of appendices**

1. Any Contracting Party bound by an appendix may propose an amendment to that appendix. The text of the proposed amendment shall be communicated to all Contracting Parties to the Convention by the Executive Secretary of the Commission as provided for in paragraph 2 of article 15.

2. The Commission shall adopt the amendment to an appendix by a three-quarters majority vote of the Contracting Parties bound by that appendix.

3. An amendment to an appendix shall enter into force on the expiry of a period of two hundred days after its adoption for those Contracting Parties which are bound by that appendix and have not within that period notified the Depositary Government in writing that they are unable to accept that amendment, provided that at the expiry of that period three-quarters of the Contracting Parties bound by that appendix have either voted for the amendment and not withdrawn their acceptance or have notified the Depositary Government in writing that they are able to accept the amendment.

4. A notification under paragraph 3 of this article to the Depositary Government may indicate that a Contracting Party is unable to accept the amendment in so far as it relates to one or more of its dependent or autonomous territories to which the Convention applies.

5. An amendment to an appendix shall become binding on any other Contracting Party bound by the appendix which has notified the Depositary Government in writing that it is able to accept the amendment from the moment of that notification or after the expiry of a period of two hundred days after the adoption of the amendment, whichever is later.

6. The Depositary Government shall without delay notify all Contracting Parties of any such notification received.

7. If the amendment of an appendix is related to an amendment to the Convention or an annex, the amendment of the appendix shall be governed by the same provisions as apply to the amendment to the Convention or that annex.

Article 20
Right to vote

1. Each Contracting Party shall have one vote in the Commission.
2. Notwithstanding the provisions of paragraph 1 of this article, the European Economic Community and other regional economic integration organizations, within the areas of their competence, are entitled to a number of votes equal to the number of their member States which are Contracting Parties to the Convention. Those organizations shall not exercise their right to vote in cases where their member States exercise theirs, and conversely.

Article 21
Transboundary pollution

1. When pollution originating from a Contracting Party is likely to prejudice the interests of one or more of the other Contracting Parties to the Convention, the Contracting Parties concerned shall enter into consultation, at the request of any one of them, with a view to negotiating a cooperation agreement.
2. At the request of any Contracting Party concerned, the Commission shall consider the question and may make recommendations with a view to reaching a satisfactory solution.
3. An agreement referred to in paragraph 1 of this article may, *inter alia*, define the areas to which it shall apply, the quality objectives to be achieved and the methods for achieving these objectives, including methods for the application of appropriate standards and the scientific and technical information to be collected.
4. The Contracting Parties signatory to such an agreement shall, through the medium of the Commission, inform the other Contracting Parties of its purport and of the progress made in putting it into effect.

Article 22
Reporting to the Commission

The Contracting Parties shall report to the Commission at regular intervals on:

- (a) the legal, regulatory or other measures taken by them for the implementation of the provisions of the Convention and of decisions and recommendations adopted thereunder, including in particular measures taken to prevent and punish conduct in contravention of those provisions;
- (b) the effectiveness of the measures referred to in subparagraph (a) of this article;
- (c) problems encountered in the implementation of the provisions referred to in subparagraph (a) of this article.

Article 23
Compliance

The Commission shall:

- (a) on the basis of the periodical reports referred to in article 22 and any other report submitted by the Contracting Parties, assess their compliance with the Convention and the decisions and recommendations adopted thereunder;
- (b) when appropriate, decide upon and call for steps to bring about full compliance with the Convention, and decisions adopted thereunder, and promote the implementation of recommendations, including measures to assist a Contracting Party to carry out its obligations.

Article 24
Regionalisation

The Commission may decide that any decision or recommendation adopted by it shall apply to all, or a specified part, of the maritime area and may provide for different timetables to be applied, having regard to the differences between ecological and economic conditions in the various regions and sub-regions covered by the Convention.

Article 25
Signature

The Convention shall be open for signature at Paris from 22 September 1992 to 30 June 1993 by:

- (a) the Contracting Parties to the Oslo Convention or the Paris Convention;

- (b) any other coastal State bordering the maritime area;
- (c) any State located upstream on watercourses reaching the maritime area;
- (d) any regional economic integration organization having as a member at least one State to which any of the subparagraphs (a) to (c) of this article applies.

Article 26

Ratification, acceptance or approval

The Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the French Republic.

Article 27

Accessions

1. After 30 June 1993, the Convention shall be open for accession by the States and regional economic integration organizations referred to in article 25.
2. The Contracting Parties may unanimously invite States or regional economic integration organizations not referred to in article 25 to accede to the Convention. In the case of such an accession, the definition of the maritime area shall, if necessary, be amended by a decision of the Commission adopted by unanimous vote of the Contracting Parties. Any such amendment shall enter into force after unanimous approval of all the Contracting Parties on the thirtieth day after the receipt of the last notification by the Depositary Government.
3. Any such accession shall relate to the Convention, including any annex and any appendix that have been adopted at the date of such accession, except when the instrument of accession contains an express declaration of non-acceptance of one or several annexes other than annexes I, II, III and IV.

Article 28

Reservations

No reservation to the Convention may be made.

Article 29

Entry into force

1. The Convention shall enter into force on the thirtieth day following the date on which all Contracting Parties to the Oslo Convention and all Contracting Parties to the Paris Convention have deposited their instrument of ratification, acceptance, approval or accession.

2. For any State or regional economic integration organization not referred to in paragraph 1 of this article, the Convention shall enter into force in accordance with paragraph 1 of this article, or on the thirtieth day following the date of the deposit of the instrument of ratification, acceptance, approval or accession by that State or regional economic integration organization, whichever is later.

Article 30 **Withdrawal**

1. At any time after the expiry of two years from the date of entry into force of the Convention for a Contracting Party, that Contracting Party may withdraw from the Convention by notification in writing to the Depository Government.

2. Except as may be otherwise provided in an annex other than annexes I to IV to the Convention, any Contracting Party may at any time after the expiry of two years from the date of entry into force of such annex for that Contracting Party withdraw from such annex by notification in writing to the Depository Government.

3. Any withdrawal referred to in paragraphs 1 and 2 of this article shall take effect one year after the date on which the notification of that withdrawal is received by the Depository Government.

Article 31 **Replacement of the Oslo and Paris Conventions**

1. Upon its entry into force, the Convention shall replace the Oslo and Paris Conventions as between the Contracting Parties.

2. Notwithstanding paragraph 1 of this article, decisions, recommendations and all other agreements adopted under the Oslo Convention or the Paris Convention shall continue to be applicable, unaltered in their legal nature, to the extent that they are compatible with, or not explicitly terminated by, the Convention, any decisions or, in the case of existing recommendations, any recommendations adopted thereunder.

Article 32 **Settlement of disputes**

1. Any disputes between Contracting Parties relating to the interpretation or application of the Convention, which cannot be settled otherwise by the Contracting Parties concerned, for instance by means of inquiry or conciliation within the Commission, shall, at the request of any of those Contracting Parties, be submitted to arbitration under the conditions laid down in this article.

2. Unless the parties to the dispute decide otherwise, the procedure of the arbitration referred to in paragraph 1 of this article shall be in accordance with paragraphs 3 to 10 of this article.
3.
 - (a) At the request addressed by one Contracting Party to another Contracting Party in accordance with paragraph 1 of this article, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject-matter of the application including in particular the articles of the Convention, the interpretation or application of which is in dispute.
 - (b) The applicant party shall inform the Commission that it has requested the setting up of an arbitral tribunal, stating the name of the other party to the dispute and the articles of the Convention the interpretation or application of which, in its opinion, is in dispute. The Commission shall forward the information thus received to all Contracting Parties to the Convention.
4. The arbitral tribunal shall consist of three members: each of the parties to the dispute shall appoint an arbitrator; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
5.
 - (a) If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the President of the International Court of Justice shall, at the request of either party, designate him within a further two months' period.
 - (b) If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the President of the International Court of Justice who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the President of the International Court of Justice who shall make this appointment within a further two months' period.
6.
 - (a) The arbitral tribunal shall decide according to the rules of international law and, in particular, those of the Convention.
 - (b) Any arbitral tribunal constituted under the provisions of this article shall draw up its own rules of procedure.

- (c) In the event of a dispute as to whether the arbitral tribunal has jurisdiction, the matter shall be decided by the decision of the arbitral tribunal.
- 7.
- (a) The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority voting of its members.
 - (b) The arbitral tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
 - (c) If two or more arbitral tribunals constituted under the provisions of this article are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.
 - (d) The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
 - (e) The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.
8. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.
9. Any Contracting Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case may intervene in the proceedings with the consent of the tribunal.
- 10.
- (a) The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
 - (b) Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Article 33
Duties of the Depositary Government

The Depositary Government shall inform the Contracting Parties and the signatories to the Convention:

- (a) of the deposit of instruments of ratification, acceptance, approval or accession, of declarations of non-acceptance and of notifications of withdrawal in accordance with articles 26, 27 and 30;
- (b) of the date on which the Convention comes into force in accordance with article 29;
- (c) of the receipt of notifications of acceptance, of the deposit of instruments of ratification, acceptance, approval or accession and of the entry into force of amendments to the Convention and of the adoption and amendment of annexes or appendices, in accordance with articles 15, 16, 17, 18 and 19.

Article 34
Original text

The original of the Convention, of which the French and English texts shall be equally authentic, shall be deposited with the Government of the French Republic which shall send certified copies thereof to the Contracting Parties and the signatories to the Convention and shall deposit a certified copy with 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 Paris, on the twenty-second day of September 1992.

ANNEX I
ON THE PREVENTION AND ELIMINATION OF POLLUTION
FROM LAND-BASED SOURCES

Article 1

1. When adopting programmes and measures for the purpose of this annex, the Contracting Parties shall require, either individually or jointly, the use of:
 - best available techniques for point sources
 - best environmental practice for point and diffuse sourcesincluding, where appropriate, clean technology.
2. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given in appendix 2.
3. The Contracting Parties shall take preventive measures to minimize the risk of pollution caused by accidents.
4. When adopting programmes and measures in relation to radioactive substances, including waste, the Contracting Parties shall also take account of:
 - (a) the recommendations of the other appropriate international organizations and agencies;
 - (b) the monitoring procedures recommended by these international organizations and agencies.

Article 2

1. Point source discharges to the maritime area, and releases into water or air which reach and may affect the maritime area, shall be strictly subject to authorization or regulation by the competent authorities of the Contracting Parties. Such authorization or regulation shall, in particular, implement relevant decisions of the Commission which bind the relevant Contracting Party.
2. The Contracting Parties shall provide for a system of regular monitoring and inspection by their competent authorities to assess compliance with authorizations and regulations of releases into water or air.

Article 3

For the purposes of this annex, it shall, inter alia, be the duty of the Commission to draw up:

- (a) plans for the reduction and phasing out of substances that are toxic, persistent and liable to bioaccumulate arising from land-based sources;
- (b) when appropriate, programmes and measures for the reduction of inputs of nutrients from urban, municipal, industrial, agricultural and other sources.

**ANNEX II
ON THE PREVENTION AND ELIMINATION OF POLLUTION
BY DUMPING OR INCINERATION**

Article 1

This annex shall not apply to any deliberate disposal in the maritime area of:

- (a) wastes or other matter from offshore installations;
- (b) offshore installations and offshore pipelines.

Article 2

Incineration is prohibited.

Article 3

1. The dumping of all wastes or other matter is prohibited, except for those wastes or other matter listed in paragraphs 2 and 3 of this article.
2. The list referred to in paragraph 1 of this article is as follows:
 - (a) dredged material;
 - (b) inert materials of natural origin, that is, solid, chemically unprocessed geological material the chemical constituents of which are unlikely to be released into the marine environment;
 - (c) sewage sludge until 31 December 1998;
 - (d) fish waste from industrial fish processing operations;

- (e) vessels or aircraft until, at the latest, 31 December 2004.
- 3.
- (a) The dumping of low- and intermediate-level radioactive substances, including wastes, is prohibited.
 - (b) As an exception to subparagraph 3(a) of this article, those Contracting Parties, the United Kingdom and France, who wish to retain the option of an exception to subparagraph 3(a) in any case not before the expiry of a period of 15 years from 1 January 1993, shall report to the meeting of the Commission at the Ministerial level in 1997 on the steps taken to explore alternative land-based options.
 - (c) Unless, at or before the expiry of this period of 15 years, the Commission decides by a unanimous vote not to continue the exception provided in subparagraph 3(b), it shall take a decision pursuant to article 13 of the Convention on the prolongation for a period of 10 years after 1 January 2008 of the prohibition, after which another meeting of the Commission at Ministerial level shall be held. Those Contracting Parties mentioned in subparagraph 3(b) of this article still wishing to retain the option mentioned in subparagraph 3(b) shall report to the Commission meetings to be held at Ministerial level at two-yearly intervals from 1999 onwards about the progress in establishing alternative land-based options and on the results of scientific studies which show that any potential dumping operations would not result in hazards to human health, harm to living resources or marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

Article 4

1. The Contracting Parties shall ensure that:
- (a) no wastes or other matter listed in paragraph 2 of article 3 of this annex shall be dumped without authorization by their competent authorities, or regulation;
 - (b) such authorization or regulation is in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with article 6 of this annex;
 - (c) with the aim of avoiding situations in which the same dumping operation is authorized or regulated by more than one Contracting Party, their competent authorities shall, as appropriate, consult before granting an authorization or applying regulation.
2. Any authorization or regulation under paragraph 1 of this Article shall not permit the dumping of vessels or aircraft containing substances which result or are likely to result in

hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

3. Each Contracting Party shall keep, and report to the Commission, records of the nature and the quantities of wastes or other matter dumped in accordance with paragraph 1 of this article, and of the dates, places and methods of dumping.

Article 5

No placement of matter in the maritime area for a purpose other than that for which it was originally designed or constructed shall take place without authorization or regulation by the competent authority of the relevant Contracting Party. Such authorization or regulation shall be in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with article 6 of this annex. This provision shall not be taken to permit the dumping of wastes or other matter otherwise prohibited under this annex.

Article 6

For the purposes of this annex, it shall, inter alia, be the duty of the Commission to draw up and adopt criteria, guidelines and procedures relating to the dumping of wastes or other matter listed in paragraph 2 of article 3, and to the placement of matter referred to in article 5, of this annex, with a view to preventing and eliminating pollution.

Article 7

The provisions of this annex concerning dumping shall not apply in case of force majeure, due to stress of weather or any other cause, when the safety of human life or of a vessel or aircraft is threatened. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life and shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 8

The Contracting Parties shall take appropriate measures, both individually and within relevant international organizations, to prevent and eliminate pollution resulting from the abandonment of vessels or aircraft in the maritime area caused by accidents. In the absence of relevant guidance from such international organizations, the measures taken by individual Contracting Parties should be based on such guidelines as the Commission may adopt.

Article 9

In an emergency, if a Contracting Party considers that wastes or other matter the dumping of which is prohibited under this annex cannot be disposed of on land without unacceptable danger or damage, it shall forthwith consult other Contracting Parties with a view to finding the most satisfactory methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted following this consultation. The Contracting Parties pledge themselves to assist one another in such situations.

Article 10

Each Contracting Party shall ensure compliance with the provisions of this annex:

- (a) by vessels or aircraft registered in its territory;
- (b) by vessels or aircraft loading in its territory the wastes or other matter which are to be dumped or incinerated;
- (c) by vessels or aircraft believed to be engaged in dumping or incineration within its internal waters or within its territorial sea or within that part of the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal State to the extent recognized by international law.

2. Each Contracting Party shall 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 maritime area which give rise to suspicions that dumping in contravention of the provisions of the present annex has occurred or is about to occur. Any Contracting Party whose authorities receive such a report shall, if it considers it appropriate, accordingly inform any other Contracting Party concerned.

3. Nothing in this annex shall abridge the sovereign immunity to which certain vessels are entitled under international law.

**ANNEX III
ON THE PREVENTION AND ELIMINATION OF POLLUTION
FROM OFFSHORE SOURCES**

This annex shall not apply to any deliberate disposal in the maritime area of:

- (a) wastes or other matter from vessels or aircraft;
- (b) vessels or aircraft.

Article 2

1. When adopting programmes and measures for the purpose of this annex, the Contracting Parties shall require, either individually or jointly, the use of:
 - (a) best available techniques
 - (b) best environmental practiceincluding, where appropriate, clean technology.
2. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given in appendix 2.

Article 3

1. Any dumping of wastes or other matter from offshore installations is prohibited.
2. This prohibition does not relate to discharges or emissions from offshore sources.

Article 4

1. The use on, or the discharge or emission from, offshore sources of substances which may reach and affect the maritime area shall be strictly subject to authorization or regulation by the competent authorities of the Contracting Parties. Such authorization or regulation shall, in particular, implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention.
2. The competent authorities of the Contracting Parties shall provide for a system of monitoring and inspection to assess compliance with authorization or regulation as provided for in paragraph 1 of article 4 of this annex.

Article 5

1. No disused offshore installation or disused offshore pipeline shall be dumped and no disused offshore installation shall be left wholly or partly in place in the maritime area without a permit issued by the competent authority of the relevant Contracting Party on a case-by-case basis. The Contracting Parties shall ensure that their authorities, when granting such permits, shall implement the relevant applicable decisions, recommendations and all other agreements adopted under the Convention.
2. No such permit shall be issued if the disused offshore pipeline contains substances which result or are likely to result in hazards to human health, harm to living resources and

marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

3. Any Contracting Party which intends to take the decision to issue a permit for the dumping of a disused offshore installation or a disused offshore pipeline placed in the maritime area after 1 January 1998 shall, through the medium of the Commission, inform the other Contracting Parties of its reasons for accepting such dumping, in order to make consultation possible.

4. Each Contracting Party shall keep, and report to the Commission, records of the disused offshore installations and disused offshore pipelines dumped and of the disused offshore installations left in place in accordance with the provisions of this article, and of the dates, places and methods of dumping.

Article 6

Articles 3 and 5 of this annex shall not apply in case of force majeure due to stress of weather or any other cause, when the safety of human life or of an offshore installation is threatened. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life and shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the matter dumped.

Article 7

The Contracting Parties shall take appropriate measures, both individually and within relevant international organizations, to prevent and eliminate pollution resulting from the abandonment of offshore installations in the maritime area caused by accidents. In the absence of relevant guidance from such international organizations, the measures taken by individual Contracting Parties should be based on such guidelines as the Commission may adopt.

Article 8

No placement of a disused offshore installation or a disused offshore pipeline in the maritime area for a purpose other than that for which it was originally designed or constructed shall take place without authorization or regulation by the competent authority of the relevant Contracting Party. Such authorization or regulation shall be in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with subparagraph (d) of article 10 of this annex. This provision shall not be taken to permit the dumping of disused offshore installations or disused offshore pipelines in contravention of the provisions of this annex.

Article 9

1. Each Contracting Party shall 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 maritime area which give rise to suspicions that a contravention of the provisions of the present annex has occurred or is about to occur. Any Contracting Party whose authorities receive such a report shall, if it considers it appropriate, accordingly inform any other Contracting Party concerned.
2. Nothing in this annex shall abridge the sovereign immunity to which certain vessels are entitled under international law.

Article 10

For the purposes of this annex, it shall, inter alia, be the duty of the Commission:

- (a) to collect information about substances which are used in offshore activities and, on the basis of that information, to agree lists of substances for the purposes of paragraph 1 of article 4 of this annex;
- (b) to list substances which are toxic, persistent and liable to bioaccumulate and to draw up plans for the reduction and phasing out of their use on, or discharge from, offshore sources;
- (c) to draw up criteria, guidelines and procedures for the prevention of pollution from dumping of disused offshore installations and of disused offshore pipelines, and the leaving in place of offshore installations, in the maritime area;
- (d) to draw up criteria, guidelines and procedures relating to the placement of disused offshore installations and disused offshore pipelines referred to in article 8 of this annex, with a view to preventing and eliminating pollution.

**ANNEX IV
ON THE ASSESSMENT OF THE QUALITY OF THE MARINE ENVIRONMENT**

Article 1

1. For the purposes of this annex "monitoring" means the repeated measurement of:
 - (a) the quality of the marine environment and each of its compartments, that is, water, sediments and biota;

- (b) activities or natural and anthropogenic inputs which may affect the quality of the marine environment;
 - (c) the effects of such activities and inputs.
2. Monitoring may be undertaken either for the purposes of ensuring compliance with the Convention, with the objective of identifying patterns and trends, or for research purposes.

Article 2

For the purposes of this annex, the Contracting Parties shall:

- (a) cooperate in carrying out monitoring programmes and submit the resulting data to the Commission;
- (b) comply with quality assurance prescriptions and participate in intercalibration exercises;
- (c) use and develop, individually or preferably jointly, other duly validated scientific assessment tools, such as modelling, remote sensing and progressive risk assessment strategies;
- (d) carry out, individually or preferably jointly, research which is considered necessary to assess the quality of the marine environment, and to increase knowledge and scientific understanding of the marine environment and, in particular, of the relationship between inputs, concentration and effects;
- (e) take into account scientific progress which is considered to be useful for such assessment purposes and which has been made elsewhere either on the initiative of individual researchers and research institutions, or through other national and international research programmes or under the auspices of the European Economic Community or other regional economic integration organizations.

Article 3

For the purposes of this annex, it shall, inter alia, be the duty of the Commission:

- (a) to define and implement programmes of collaborative monitoring and assessment-related research, to draw up codes of practice for the guidance of participants in carrying out these monitoring programmes and to approve the presentation and interpretation of their results;

- (b) to carry out assessments taking into account the results of relevant monitoring and research and the data relating to inputs of substances or energy into the maritime area which are provided by virtue of other annexes to the Convention, as well as other relevant information;
- (c) to seek, where appropriate, the advice or services of competent regional organizations and other competent international organizations and competent bodies with a view to incorporating the latest results of scientific research;
- (d) to cooperate with competent regional organizations and other competent international organizations in carrying out quality status assessments.

APPENDIX 1

CRITERIA FOR THE DEFINITION OF PRACTICES AND TECHNIQUES MENTIONED IN PARAGRAPH 3(b)(i) OF ARTICLE 2 OF THE CONVENTION

BEST AVAILABLE TECHNIQUES

1. The use of the best available techniques shall emphasize the use of non-waste technology, if available.
2. The term "best available techniques" means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitutes the best available techniques in general or individual cases, special consideration shall be given to:
 - (a) comparable processes, facilities or methods of operation which have recently been successfully tried out;
 - (b) technological advances and changes in scientific knowledge and understanding;
 - (c) the economic feasibility of such techniques;
 - (d) time-limits for installation in both new and existing plants;
 - (e) the nature and volume of the discharges and emissions concerned.
3. It therefore follows that what is "best available techniques" for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

4. If the reduction of discharges and emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.

5. "Techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.

BEST ENVIRONMENTAL PRACTICE

6. The term "best environmental practice" means the application of the most appropriate combination of environmental control measures and strategies. In making a selection for individual cases, at least the following graduated range of measures should be considered:

- (a) the provision of information and education to the public and to users about the environmental consequences of choice of particular activities and choice of products, their use and ultimate disposal;
- (b) the development and application of codes of good environmental practice which covers all aspects of the activity in the product's life;
- (c) the mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;
- (d) saving resources, including energy;
- (e) making collection and disposal systems available to the public;
- (f) avoiding the use of hazardous substances or products and the generation of hazardous waste;
- (g) recycling, recovery and reuse;
- (h) the application of economic instruments to activities, products or groups of products;
- (i) establishing a system of licensing, involving a range of restrictions or a ban.

7. In determining what combination of measures constitutes best environmental practice, in general or individual cases, particular consideration should be given to:

- (a) the environmental hazard of the product and its production, use and ultimate disposal;
- (b) the substitution by less polluting activities or substances;

- (c) the scale of use;
- (d) the potential environmental benefit or penalty of substitute materials or activities;
- (e) advances and changes in scientific knowledge and understanding;
- (f) time-limits for implementation;
- (g) social and economic implications.

8. It therefore follows that best environmental practice for a particular source will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

9. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.

APPENDIX 2

CRITERIA MENTIONED IN PARAGRAPH 2 OF ARTICLE 1 OF ANNEX I AND IN PARAGRAPH 2 OF ARTICLE 2 OF ANNEX III

1. When setting priorities and in assessing the nature and extent of the programmes and measures and their time scales, the Contracting Parties shall use the criteria given below:

- (a) persistency;
- (b) toxicity or other noxious properties;
- (c) tendency to bioaccumulation;
- (d) radioactivity;
- (e) the ratio between observed or (where the results of observations are not yet available) predicted concentrations and no observed effect concentrations;
- (f) anthropogenically caused risk of eutrophication;
- (g) transboundary significance;
- (h) risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects;

- (i) interference with harvesting of seafoods or with other legitimate uses of the sea;
 - (j) effects on the taste and/or smell of products for human consumption from the sea, or effects on smell, colour, transparency or other characteristics of the water in the marine environment;
 - (k) distribution pattern (i.e., quantities involved, use pattern and liability to reach the marine environment);
 - (l) non-fulfilment of environmental quality objectives.
2. These criteria are not necessarily of equal importance for the consideration of a particular substance or group of substances.
3. The above criteria indicate that substances which shall be subject to programmes and measures include:
- (a) heavy metals and their compounds;
 - (b) organohalogen compounds (and substances which may form such compounds in the marine environment);
 - (c) organic compounds of phosphorus and silicon;
 - (d) biocides such as pesticides, fungicides, herbicides, insecticides, slimicides and chemicals used, inter alia, for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles;
 - (e) oils and hydrocarbons of petroleum origin;
 - (f) nitrogen and phosphorus compounds;
 - (g) radioactive substances, including wastes;
 - (h) persistent synthetic materials which may float, remain in suspension or sink.

**2. Declaration on the coordinated extension of jurisdiction
in the North Sea, 22 September 1992**

The Ministers,

Meeting within the framework of the North Sea cooperation in Paris on 22 September 1992,

Recalling Common Action 36 of the Ministerial Declaration of the Third International Conference on the Protection of the North Sea, stating that the North Sea States will coordinate action, with the aim of increasing coastal State jurisdiction, in accordance with international law, including the possibility of establishing Exclusive Economic Zones in the areas of the North Sea where they do not exist,

Taking note of the report of the Working Group,

Have come to the following conclusions:

A. As to the exercise of jurisdiction:

- 1. They agree that coastal State jurisdiction should be increased to the full extent permitted by the rules of international law in order to prevent, reduce and control pollution of the marine environment; ¹**
- 2. They agree that in this respect the existence of Exclusive Economic Zones in the North Sea, which enable the coastal States to adopt certain laws and regulations giving effect to generally accepted international rules and standards for the prevention, reduction and control of pollution from vessels, and to take other measures concerning the exercise of jurisdiction would allow a better and more effective enforcement of international rules of environmental protection;**
- 3. They undertake to initiate the process either of establishing Exclusive Economic Zones in the areas of the North Sea where they do not exist for the purpose of protecting and preserving the marine environment, or of increasing coastal State jurisdiction for that purpose, in accordance with international law and without going beyond the scope of the provisions of the United Nations Convention on the Law of the Sea (1982);**
- 4. They undertake to initiate the process of implementing in their national legislations those generally accepted international rules and standards which are of particular importance**

¹ The term "increased jurisdiction" in this paragraph has a double meaning: It is intended to mean the geographical extension of jurisdiction (to a maximum of 200nm) as well as an extension regarding legal consent (such as increased enforcement possibilities).

to the protection and preservation of the marine environment of the North Sea, including the relevant provisions of the United Nations Convention on the Law of the Sea (1982), in particular those which may allow action to be taken in respect of vessels suspected of violating the International Convention for the Prevention of Pollution from Ships as amended (MARPOL 73/78);

5. They agree to engage on further consultation as regards the harmonization and implementation of the legal regime initiated according to paragraph 3 above and as regards coordinated enforcement policies;

6. They agree to report on the process of implementation to the Fourth International Conference on the Protection of the North Sea to be held in Copenhagen in 1995. Consultations should be initiated as soon as possible by a Task Force.

B. As to the coordination in the exercise of jurisdiction:

They will continue:

1. To take appropriate action with the aim of further improving airborne surveillance with a view to the collection of evidence on marine pollution;

2. To enhance further scientific knowledge and understanding of the marine environment and to avoid to create new restrictions or impediments for Marine Scientific Research and monitoring activities of other North Sea States within the EEZ;

3. To discuss the problem of improving deterrents against violations of MARPOL 73/78.

D. National claims over maritime zones

1. Table of claims to maritime zones *

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
ALBANIA		12				200m/EXP
ALGERIA		12				
*ANGOLA *	5/12/90	20			200	
*ANTIGUA AND BARBUDA	2/2/89	12	24	200		200/CM
ARGENTINA		12	24	200		200/CM
AUSTRALIA		12			200	200m/EXP
*BAHAMAS	29/7/83	3			200	200m/EXP
*BAHRAIN	30/5/85	12	24			
BANGLADESH		12	18	200		CM

* Claims to maritime zones of 143 coastal States as of January 1993. Dates and excerpts of legislation can be found in the Law of the sea: National Claims to Maritime Jurisdiction, Excerpts of Legislation and Table of Claims (United Nations publication, Sales No. E.91.V.15). For the most recent legislation, the Law of the Sea Bulletin series can be consulted.

* States indicated with an asterisk (*) have ratified the United Nations Convention on the Law of the Sea. States indicated with a double asterisk (**) have acceded to the Convention.

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
BARBADOS		12		200		
BELGIUM		12			Up to the median line with neighbouring States	Up to the median line with opposite and adjacent States
*BELIZE ^b	13/8/83	12/3		200		
BENIN		200				
*BRAZIL	22/12/88	12	24	200		
BRUNEI DARUSSALAM		12			200	
BULGARIA		12	24	200		
CAMBODIA		12	24	200		200nm
*CAMEROON	19/11/85	50				
CANADA		12			200	200/CM
*CAPE VERDE	10/8/87	12		200		
CHILE ^c		12	24	200		200/350

^b A limit of 3 miles applies from the mouth of Sarstoon River to Ranguana Caye.

^c A 350-nm continental shelf limit applies to Sala y Gomez and Easter Island.

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
CHINA		12	24			
COLOMBIA		12		200		200m/EXP
COMOROS		12		200		
CONGO		200				
*COSTA RICA	21/9/92	12		200		200m/EXP
*COTE D'IVOIRE	26/3/84	12		200		200nm
*CUBA	15/8/84	12		200		
*CYPRUS	12/12/88	12				EXP
DEM. PEOPLE'S REP. OF KOREA		12		200		
DENMARK		3			200	200m/EXP
*DJIBOUTI		12	24	200		
*DOMINICA	24/10/91	12	24	200		
DOMINICAN REPUBLIC		6	24	200		200/CM
ECUADOR		200				200/iso
*EGYPT	26/8/83	12	24	200		200m/EXP

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
EL SALVADOR		200				
EQUATORIAL GUINEA		12		200		
ERITREA ^d		12				
*FIJI	10/12/82	12		200		200m/EXP
FINLAND		4	6		12	200m/EXP
FRANCE		12	24	200		200m/EXP
GABON		12	24	200		
*GAMBIA	22/5/84	12	18		200	
GERMANY ^e		12/3			200	200m/EXP
*GHANA	7/6/83	12	24	200		200nm
GREECE		6/10				200m/EXP

^d Eritrea, which was previously part of Ethiopia, became a Member of the United Nations on 28 May 1993. Ethiopia is no longer a coastal State.

^e Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States united to form one sovereign State. As from the date of unification, the Federal Republic of Germany has acted in the United Nations under the designation of "Germany".

A Decree for Preventing Tanker Casualties in the German Bight was promulgated on 12 November 1984 extending the territorial sea of the Federal Republic of Germany in the North Sea to 16 nm.

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
*GRENADA	25/4/91	12		200		
GUATEMALA		12		200		200m/EXP
*GUINEA	6/9/85	12		200		
*GUINEA-BISSAU	25/8/86	12		200		
GUYANA		12			200	200/CM
HAITI		12	24	200		EXP
HONDURAS		12	24	200		200m/EXP
*ICELAND	21/6/85	12		200		200/CM
INDIA		12	24	200		200/CM
*INDONESIA	3/2/86	12		200		EXP
IRAN (Islamic Rep. of)		12			50	
*IRAQ	30/7/85	12				
IRELAND		12			200	
ISRAEL		12				EXP
ITALY		12				200m/EXP
*JAMAICA	21/3/83	12		200		200m/EXP
JAPAN		12			200	

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
JORDAN		3				
*KENYA	2/3/89	12		200		200m/EXP
KIRIBATI		12		200		
*KUWAIT	2/5/86	12				
LEBANON		12				
LIBERIA		200				
LIBYAN ARAB JAMAHIRIYA		12				
MADAGASCAR		12	24	200		200/iso
MALAYSIA		12		200		200m/EXP
MALDIVES ^f		12				
*MALTA	20/5/93	12	24		25	200m/EXP
**MARSHALL ISLANDS	9/8/91	12	24	200		
MAURITANIA		12	24	200		200/CM
MAURITIUS		12		200		200/CM

^f Maldives has proclaimed an exclusive economic zone which is defined by coordinates (see The Law of the Sea, National Legislation on the Exclusive Economic Zone (United Nations publication, Sales No. E.93.V.10)).

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
*MEXICO	18/3/83	12	24	200		200/CM
**MICRONESIA (Federated States of)	29/4/91	12		200		
MONACO		12				
MOROCCO		12	24	200		
MOZAMBIQUE		12		200		
MYANMAR		12	24	200		200/CM
*NAMIBIA	18/4/83	12	24	200		
NAURU		12			200	
NETHERLANDS		12			200	200m/EXP
NEW ZEALAND		12		200		200/CM
NICARAGUA		200				
*NIGERIA	14/8/86	30		200		200m/EXP
NORWAY		4		200		200nm + np
*OMAN	17/8/89	12	24	200		
PAKISTAN		12	24	200		200/CM
PANAMA		200				

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
PAPUA NEW GUINEA		12			200	200m/EXP
PERU		200				200nm
*PHILIPPINES	8/5/84			200		EXP
POLAND		12		Up to a line to be determined by international treaties		
PORTUGAL		12		200		200m/EXP
QATAR		12	24	Up to median line with neighbouring States or international agreement		
REPUBLIC OF KOREA		12				
ROMANIA		12	24	200		200m/EXP
RUSSIAN FEDERATION		12		200		200m/EXP
*SAINT KITTS AND NEVIS	7/1/93	12	24	200		200/CM
*SAINT LUCIA	27/3/85	12	24	200		200/CM
SAINT VINCENT AND THE GRENADINES		12	24	200		200nm

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
SAMOA		12		200		
*SAO TOME AND PRINCIPE	3/11/87	12		200		
SAUDI ARABIA		12	18			
*SENEGAL	25/10/84	12	24	200		200/CM
*SEYCHELLES	16/9/91	12		200		200/CM
SIERRA LEONE		200				200m/EXP
SINGAPORE		3				
SOLOMON ISLANDS		12		200		200nm
*SOMALIA	24/7/89	200				
SOUTH AFRICA		12			200	200m/EXP
SPAIN		12	24	200		200m/EXP
SRI LANKA		12	24	200		200/CM
*SUDAN	23/1/85	12	18			200m/EXP
SURINAME		12		200		
SWEDEN		12		Up to equidistance line with neighbouring States		200m/EXP

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
SYRIAN ARAB REPUBLIC		35				200m/EXP
THAILAND		12		200		200m/EXP
*TOGO	16/4/85	30		200		
TONGA		12		200		200m/EXP
*TRINIDAD AND TOBAGO	25/4/86	12	24	200		200m/EXP
*TUNISIA	24/4/85	12	24			
TURKEY ^a		6		200	12	
TUVALU		12	24	200		
UKRAINE		12		200		200m/EXP
UNITED ARAB EMIRATES ^b		3		Up to the boundary with neighbouring States. If no boundary, up to median line		

^a A limit of 12 nm applies in the Mediterranean Sea and the Black Sea; an exclusive economic zone of 200 nm is claimed in the Black sea.

^b A limit of 12 nm applies to Sharga.

States	Convention ratification/ accession	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
UNITED KINGDOM		12			200	200m/EXP
*UNITED REPUBLIC OF TANZANIA	30/9/85	12		200		
UNITED STATES OF AMERICA		12		200		200m/EXP
*URUGUAY	10/12/92	200				200m/EXP
VANUATU		12	24	200		200/CM
VENEZUELA		12	15	200		200m/EXP
VIET NAM		12	24	200		200/CM
*YEMEN ⁱ	21/7/87	12	24	200		200/CM
*YUGOSLAVIA	5/5/86	12				200m/EXP
*ZAIRE	17/2/89	12		200		
OTHERS UNDER ARTICLE 305.I						
COOK ISLANDS		12		200		200/CM
NIUE		12		200		

ⁱ On 22 May 1990, Democratic Yemen and Yemen merged to form a single State. Since that date they have been represented at the United Nations as one Member with the name "Yemen".

2. Summary of claims to maritime zones

TERRITORIAL SEA

<u>Breadth</u> (nautical miles)	<u>Number of States</u>
3	6
4	2
6	3
12	116
20	1
30	2
35	1
50	1
200	11

CONTIGUOUS ZONE

<u>Breadth</u> (nautical miles)	<u>Number of States</u>
6	1
15	1
18	4
24	42

Summary of claims to maritime zones (cont.)

EXCLUSIVE ECONOMIC ZONE

<u>Breadth</u> (nautical miles)	<u>Number of States</u>
200	84
Proclamation with coordinates	1
Up to median line with neighbouring States	<u>4</u>
	<u>89</u>

FISHERY ZONE

<u>Breadth</u> (nautical miles)	<u>Number of States</u>
12	2
25	1
50	1
200	16
Up to median line with neighbouring States	<u>1</u>
	<u>21</u>

Summary of claims to maritime zones (cont.)

CONTINENTAL SHELF

<u>Breadth</u> (nautical miles)	<u>Number of States</u>
Depth (200 m) plus exploitability (200m/EXP)	40
Breadth (200 nm) plus continental margin (200/CM)	22
Continental margin (CM)	1
Exploitability (EXP)	5
Breadth (200 nm or 100 nm from the 2,500-m isobath) (200/iso)	2
Breadth (200/350 nm) (200/350)	1
Breadth (200 nm) (200)	6
Breadth (200nm) + np (natural prolongation) 200 nm + np	1

III. INFORMATION ABOUT THE PREPARATORY COMMISSION

A. Report on the tenth session of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, Kingston, 24 February to 13 March 1992; New York, 10 to 21 August 1992

The Preparatory Commission met twice during 1992. The tenth session was held at Kingston from 24 February to 13 March 1992 and a summer meeting in New York from 10 to 21 August 1992. It was decided to hold the eleventh session of the Preparatory Commission at Kingston from 22 March to 2 April 1993 to consider the provisional final reports of the Special Commissions and the Informal Plenary. At that session also the Chairman will undertake consultations with all the participants involved with regard to the future work of the Preparatory Commission, including any interim arrangements. In accordance with General Assembly resolution 37/66 of 3 December 1982, provision has been made in the programme budget for 1992-1993 for servicing the meetings of the Preparatory Commission to be held at Kingston and New York in 1993.

1. Plenary

Implementation of resolution II of the Third United Nations Conference on the Law of the Sea

The General Committee, acting on behalf of the Preparatory Commission as the executive organ for the implementation of resolution II, adopted on 12 March 1992 the Understanding on the fulfilment of obligations by the registered pioneer investor, the China Ocean Mineral Resources Research and Development Association (COMRA) and its certifying State, China (LOS/PCN/L.102, annex). On 18 August 1992, the General Committee adopted the Understanding on the fulfilment of obligations by the registered pioneer investor, the Interoceanmetal Joint Organization (IOM) and its certifying States, Bulgaria, Cuba, Czechoslovakia, Poland and the Russian Federation (LOS/PCN/L.108, annex).

During the tenth session, the Group of Experts submitted a report based on a detailed examination of the documents submitted jointly by the registered pioneer investors on the preparatory work concerning the exploration of the area reserved for the Authority (LOS/PCN/R.10). At its meeting on 12 March 1992, the General Committee considered the report and approved its recommendations.

At that session also the General Committee considered and took note of the periodic reports submitted by the certifying States - France, India, Japan and the Russian Federation - on the pioneer activities carried out by the registered pioneer investors.

The General Committee took note of the report of the third meeting of the Training Panel, approved the recommendations and designated the six candidates selected by the Panel for the traineeships under the training programmes offered by France and Japan. The General Committee also took note of the communication on the training programmes offered by India and the Russian Federation (LOS/PCN/L.108).

With regard to the preparation of the draft rules of procedure for the organs of the Authority, the Plenary completed its consideration of the draft Headquarters Agreement between the International Seabed Authority and the Government of Jamaica (LOS/PCN/WP.47/Rev.2); the draft Protocol on the privileges and immunities of officials and experts (LOS/PCN/WP.49/Rev.2); and the draft Agreement concerning the relationship between the United Nations and the International Seabed Authority (LOS/PCN/WP.50/Rev.2).

The Plenary completed its consideration of the functions of the Finance Committee and continued exchanging views on the issue of decision-making in that Committee.

2. Special Commission 1

The Ad Hoc Working Group completed its work on the three "hard-core" issues entrusted to it, namely, criteria for identification of developing land-based producer States likely to be or actually affected by seabed production in the near future; the issue of assistance for developing land-based producer States, including system of compensation fund; and the issue of effects of subsidized seabed mining (LOS/PCN/L.104, annex).

The Chairman's Negotiating Group has reviewed the 17 provisional conclusions and their annexes, which can form the basis of the recommendations to the Authority.

With the consideration of the background paper on projection of demand, supply and price of metals contained in polymetallic nodules (LOS/PCN/SCN.1/WP.15), Special Commission 1 has completed its consideration of all the items contained in its work programme (LOS/PCN/SCN.1/1984/CRP.3).

3. Special Commission 2

The Special Commission focused on working papers and documents relating to:

- (a) provisions of the Convention relating to the structure and organization of the Enterprise;
- (b) suggestions of the Chairman to facilitate discussion on transitional arrangements for the Enterprise;
- (c) joint venture as the operational option for the Enterprise in its initial operation; and
- (d) the Preparatory Commission Training Programme.

The Special Commission agreed on the contents of its draft final report (LOS/PCN/L.105). It will contain a summary of the mandate of the Commission, a concise summary of the overall accomplishments of the Commission as well as the relevant documentation.

The Chairman of the Advisory Group on Assumptions submitted a draft final report. It should be noted that this report concluded that:

"The Group was of the view that there was need for continuity in its work suggesting that its successors, during the period before the entry into force of the Convention, should concentrate, *inter alia*, on periodic analysis of world markets and metal prices, their trends and forecasts; collection of information on and evaluation of technological developments; and assessment of the state of knowledge of deep sea environments and possible impacts of mining activities. In this connection the Group believed that the Secretariat could take up these activities for the time being."
(LOS/PCN/SCN.2/1992/CRP.6, annex 5, para.18)

The Special Commission, at its eleventh session, will consider its draft final report, including a review of the draft final report of the Chairman's Advisory Group on Assumptions.

4. Special Commission 3

The Special Commission resumed its consideration of documents LOS/PCN/SCN.3/WP.6/Add.7 (Accounting principles and procedure) and LOS/PCN/SCN.3/WP.6/Add.8 (Labour, health and safety standards). With the completion of the consideration of those two papers, the Special Commission considered that it had concluded the final examination of all parts of the deep seabed mining code, which formed the mandate of the Special Commission (LOS/PCN/L.99).

At its summer meeting in 1992, the Special Commission commenced consideration of the provisional final draft report (LOS/PCN/SCN.3/1992/CRP.17 and Add.1), and this will be continued at the eleventh session of the Commission.

5. Special Commission 4

The Special Commission completed its review of the revised draft Headquarters Agreement between the International Tribunal for the Law of the Sea and the Federal Republic of Germany (LOS/PCN/SCN.4/WP.5/Rev.1 and Corr.1) with the redraft of article 32 contained in LOS/PCN/SCN.4/1992/CRP.45.

It adopted the draft Protocol on the Privileges and Immunities of the International Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.6/Rev.1), together with the redraft of articles contained in document LOS/PCN/SCN.4/1992/CRP.46.

The Special Commission decided that its agenda for the eleventh session would be "to survey and consider the draft final report, including the pending issues", with two delegations expressing reservations (LOS/PCN/L.107, para. 8).

B. Table of members, observers and participants of the Preparatory Commission, tenth session a/

STATES	<u>Kingston</u>		<u>New York</u>	
	24 Feb.-13 March 1992		10-21 August 1992	
	Member/		Member/	
	<u>Observer</u>	<u>Participant</u>	<u>Observer</u>	<u>Participant</u>
Afghanistan	M		M	
Albania* b/				
Algeria	M	x	M	x
Angola	M	x	M	
Antigua and Barbuda	M		M	
<hr/>				
Argentina	M	x	M	x
Australia	M	x	M	x
Austria	M	x	M	x
Bahamas	M		M	
Bahrain	M		M	
<hr/>				
Bangladesh	M		M	x
Barbados	M		M	x
Belarus	M		M	x
Belgium	M	x	M	x
Belize	M		M	
<hr/>				
Benin	M		M	
Bhutan	M		M	
Bolivia	M		M	x
Botswana	M		M	
Brazil	M	x	M	x
<hr/>				
Brunei Darussalam	M	x	M	x
Bulgaria	M		M	x
Burkina Faso	M		M	
Burundi	M		M	
Cambodia	M		M	

STATES	<u>Kingston</u>		<u>New York</u>	
	<u>24 Feb.-13 March 1992</u>		<u>10-21 August 1992</u>	
	<u>Member/ Observer</u>	<u>Participant</u>	<u>Member/ Observer</u>	<u>Participant</u>
Cameroon	M	x	M	
Canada	M	x	M	x
Cape Verde	M	x	M	x
Central African Republic	M		M	
Chad	M		M	
<hr/>				
Chile	M	x	M	x
China	M	x	M	x
Colombia	M	x	M	x
Comoros	M		M	
Congo	M		M	
<hr/>				
Costa Rica	M	x	M	
Côte d'Ivoire	M		M	x
Cuba	M	x	M	x
Cyprus	M	x	M	x
Czechoslovakia	M	x	M	x
<hr/>				
Democratic People's Rep. of Korea	M	x	M	x
Denmark	M	x	M	x
Djibouti	M		M	x
Dominica	M		M	
Dominican Republic	M		M	
<hr/>				
Ecuador	O	x	O	
Egypt	M	x	M	x
El Salvador	M		M	
Equatorial Guinea	M		M	
Ethiopia	M		M	

STATES	<u>Kingston</u>		<u>New York</u>	
	<u>24 Feb.-13 March 1992</u>		<u>10-21 August 1992</u>	
	<u>Member/</u>		<u>Member/</u>	
	<u>Observer</u>	<u>Participant</u>	<u>Observer</u>	<u>Participant</u>
Fiji	M		M	
Finland	M	x	M	x
France	M	x	M	x
Gabon	M		M	
Gambia	M		M	
<hr/>				
Germany	O	x	O	x
Ghana	M	x	M	x
Greece	M	x	M	x
Grenada	M		M	
Guatemala	M		M	
<hr/>				
Guinea	M		M	
Guinea-Bissau	M	x	M	x
Guyana	M	x	M	
Haiti	M		M	
Holy See	O		O	
<hr/>				
Honduras	M		M	
Hungary	M		M	x
Iceland	M		M	
India	M	x	M	x
Indonesia	M	x	M	x
<hr/>				
Iran (Islamic Republic of)	M	x	M	x
Iraq	M	x	M	x
Ireland	M	x	M	x
Israel	O		O	
Italy	M	x	M	x
<hr/>				

STATES	<u>Kingston</u>		<u>New York</u>	
	<u>24 Feb.-13 March 1992</u>		<u>10-21 August 1992</u>	
	<u>Member/</u>		<u>Member/</u>	
	<u>Observer</u>	<u>Participant</u>	<u>Observer</u>	<u>Participant</u>
Jamaica	M	x	M	x
Japan	M	x	M	x
Jordan	O		O	
Kenya	M	x	M	x
Kiribati*				
<hr/>				
Kuwait	M	x	M	x
Lao People's Democratic Rep.	M		M	
Lebanon	M		M	
Lesotho	M		M	
Liberia	M		M	x
<hr/>				
Libyan Arab Jamahiriya	M		M	x
Liechtenstein	M		M	
Luxembourg	M		M	
Madagascar	M	x	M	x
Malawi	M		M	x
<hr/>				
Malaysia	M	x	M	x
Maldives	M		M	
Mali	M		M	
Malta	M	x	M	x
Mauritania	M		M	
<hr/>				
Mauritius	M		M	x
Mexico	M	x	M	x
Monaco	M		M	
Mongolia	M		M	
Morocco	M	x	M	x

STATES	<u>Kingston</u>		<u>New York</u>	
	<u>24 Feb.-13 March 1992</u>		<u>10-21 August 1992</u>	
	<u>Member/</u>	<u>Participant</u>	<u>Member/</u>	<u>Participant</u>
	<u>Observer</u>		<u>Observer</u>	
Mozambique	M	x	M	x
Myanmar	M	x	M	x
Namibia	M		M	
Nauru	M		M	
Nepal	M		M	
<hr/>				
Netherlands	M	x	M	x
New Zealand	M	x	M	x
Nicaragua	M		M	
Niger	M		M	
Nigeria	M	x	M	x
<hr/>				
Norway	M	x	M	x
Oman	M	x	M	x
Pakistan	M	x	M	x
Panama	M	x	M	
Papua New Guinea	M		M	
<hr/>				
Paraguay	M		M	
Peru	O		O	x
Philippines	M	x	M	x
Poland	M		M	x
Portugal	M	x	M	x
<hr/>				
Qatar	M	x	M	x
Republic of Korea	M	x	M	x
Romania	M		M	
Russian Federation	M	x	M	x
Rwanda	M		M	

STATES	<u>Kingston</u>		<u>New York</u>	
	<u>24 Feb.-13 March 1992</u>		<u>10-21 August 1992</u>	
	Member/ <u>Observer Participant</u>		Member/ <u>Observer Participant</u>	
Saint Kitts and Nevis	M		M	
Saint Lucia	M		M	
Saint Vincent and the Grenadines	M		M	
Samoa	M		M	
San Marino*				
<hr/>				
Sao Tome and Principe	M		M	
Saudi Arabia	M	x	M	x
Senegal	M	x	M	x
Seychelles	M		M	x
Sierra Leone	M		M	
<hr/>				
Singapore	M		M	
Solomon Islands	M		M	
Somalia	M		M	
South Africa	M		M	
Spain	M	x	M	x
<hr/>				
Sri Lanka	M		M	x
Sudan	M		M	
Suriname	M		M	
Swaziland	M	x	M	x
Sweden	M	x	M	x
<hr/>				
Switzerland	M	x	M	x
Syrian Arab Republic*				
Thailand	M		M	x
Togo	M	x	M	
Tonga*				

STATES	<u>Kingston</u>		<u>New York</u>	
	<u>24 Feb.-13 March 1992</u>		<u>10-21 August 1992</u>	
	<u>Member/</u>	<u>Participant</u>	<u>Member/</u>	<u>Participant</u>
	<u>Observer</u>		<u>Observer</u>	
Trinidad and Tobago	M	x	M	x
Tunisia	M	x	M	x
Turkey*				
Tuvalu	M		M	
Uganda	M	x	M	x
<hr/>				
Ukraine	M		M	x
United Arab Emirates	M	x	M	x
United Kingdom	O	x	O	x
United Republic of Tanzania	M	x	M	x
United States of America	O		O	
<hr/>				
Uruguay	M		M	x
Vanuatu	M		M	x
Venezuela	O	x	O	x
Viet Nam	M		M	
Yemen	M		M	x
<hr/>				
Yugoslavia	M		M	x
Zaire	M		M	
Zambia	M	x	M	x
Zimbabwe	M	x	M	

STATES	<u>Kingston</u>		<u>New York</u>	
	<u>24 Feb.-13 March 1992</u>		<u>10-21 August 1992</u>	
	<u>Member/</u>		<u>Member/</u>	
	<u>Observer</u>	<u>Participant</u>	<u>Observer</u>	<u>Participant</u>
ENTITIES (Art. 305 1. (b),(c),(d),(e) and (f))				
Aruba	O	x	O	x
Cook Islands	M		M	
European Economic Community	M	x	M	x
Netherlands Antilles	O		O	
Niue	M		M	
Trust Territory of the Pacific Islands	O		O	
NATIONAL LIBERATION MOVEMENTS				
African National Congress of South Africa	O		O	
Palestine	O		O	
Pan Africanist Congress of Azania	O	x	O	x
TOTAL MEMBERS	157	71	157	85
TOTAL OBSERVERS	<u>14</u>	<u>6</u>	<u>14</u>	<u>6</u>
GRAND TOTAL	171	77	171	91

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. Those States or entities indicated by an "x" participated in the session or the meeting.

b/ Those States indicated by an asterisk (*) have signed neither the Convention nor the Final Act.

C. List of documents of the General Committee and of the tenth session of the Preparatory Commission

Tenth session

Kingston, Jamaica, 24 February-13 March 1992

- LOS/PCN/INF/22 Delegations to the tenth session,
Kingston, Jamaica, 24 February-13 March 1992
[dated 9 March 1992]
- LOS/PCN/124 Provisional agenda
[dated 24 January 1992]
- LOS/PCN/125 Letter dated 25 February 1992 from the Prime
Minister of Aruba addressed to the Chairman
of the Preparatory Commission
[dated 26 February 1992]
- LOS/PCN/126 Credentials of representatives to the
tenth session of the Preparatory Commission for the
International Seabed Authority
and for the International Tribunal for the
Law of the Sea.
Report of the Credentials Committee
[dated 12 March 1992]
- Plenary documents:
- LOS/PCN/L.97/Corr.1 Corrigendum
[dated 12 February 1992]
- LOS/PCN/L.98 Statement to the Plenary by the Chairman of
Special Commission 1 on the progress of work in that
Commission
[dated 12 March 1992]
- LOS/PCN/L.99 Statement to the Plenary by the Chairman of
Special Commission 3 on the progress of work in that
Commission
[dated 11 March 1992]

- LOS/PCN/L.100 Statement to the Plenary by the Chairman of
Special Commission 2 on the progress of work in that
Commission
[dated 11 March 1992]
- LOS/PCN/L.101 Statement to the Plenary by the Chairman of
Special Commission 4 on the progress of work in that
Commission
[dated 11 March 1992]
- LOS/PCN/L.102 Statement by the Chairman of the
Preparatory Commission
[dated 13 March 1992]

Conference room papers (Plenary):

- LOS/PCN/1992/CRP.51/Rev.1/
Add.1 Chairman's draft. Understanding on the
fulfilment of obligations by the registered pioneer
investor, the China Ocean Mineral Resources Research
and Development Association (COMRA) and its
certifying State, the People's Republic of China.
Addendum.
[dated 9 March 1992]
- LOS/PCN/1992/CRP.55 Provisional timetable
[dated 25 February 1992]
- LOS/PCN/1992/CRP.56 Provisional list of delegations
Kingston, Jamaica, 24 February-13 March 1992
[dated 2 March 1992]

General Committee:

- LOS/PCN/BUR/R.10 Report of the Group of Technical Experts to
the General Committee for the International Seabed
Authority and for the International Tribunal for the Law
of the Sea
[dated 25 February 1992]

- LOS/PCN/BUR/R.11 Periodic report on the activities of India in
the Pioneer area
(Submitted by the delegation of India)
[dated 27 February 1992]
- LOS/PCN/BUR/R.12 Periodic report on the activities of Deep
Ocean Resources Development Co., Ltd. (DORD) in
the pioneer area
(Submitted by the delegation of Japan)
[dated 28 February 1992]
- LOS/PCN/BUR/R.12/Corr.1
(English only) Corrigendum
[dated 4 March 1992]
- LOS/PCN/BUR/R.13 Periodic report on the activities of
IFREMER/AFERNOD in the pioneer area
(Submitted by the delegation of France)
[dated 2 March 1992]
- LOS/PCN/BUR/R.14 Periodic report on the activities of
YUZHMOGEOLOGIYA in the pioneer area
(Submitted by the delegation of the
Russian Federation)
[dated 6 March 1992]
- LOS/PCN/BUR/R.14/Corr.1
(Arabic, Chinese,
English, French
and Spanish only) Corrigendum
[dated 10 March 1992]
- LOS/PCN/BUR/R.15 Report of the second meeting of the Training
Panel to the General Committee of the Preparatory
Commission
[dated 11 March 1992]
- LOS/PCN/BUR/R.15/Corr.1
(English only) Corrigendum
[dated 12 March 1992]
- LOS/PCN/BUR/R.16 Note verbale on the training programmes offered
by France and Japan submitted by the Training Panel to
the General Committee of the Preparatory Commission
[dated 11 March 1992]

Special Commission 1 - Conference room papers:

- LOS/PCN/SCN.1/1992/CRP.18/
Rev.3 Criteria for the identification of developing
land-based producer States actually or likely to be
affected by seabed production
(Revised suggestions by the Chairman of the
Ad Hoc Working Group of Special Commission 1)
[dated 2 March 1992]
- LOS/PCN/SCN.1/1992/CRP.18/
Rev.3/Add.1 Suggested amendments to document
LOS/PCN/SCN.1/1992/CRP.18/Rev.3
(Proposal by the delegation of Indonesia)
[dated 9 March 1992]
- LOS/PCN/SCN.1/1992/CRP.18/
Rev.3/Add.2 Suggested amendments to document
LOS/PCN/SCN.1/1992/CRP.18/Rev.3
(Proposal by the delegations of the European
Economic Community and its member States)
[dated 9 March 1992]

Special Commission 2 - Conference room papers:

- LOS/PCN/SCN.2/1991/CRP.5/
Add.2 Suggestions of the Chairman to facilitate
discussion of transitional arrangements
for the Enterprise. Addendum.
[dated 24 January 1992]

Conference room papers (Training Panel):

- LOS/PCN/TP/1991/CRP.2/Rev.1 Training Programme for the Preparatory Commission
of the International Seabed Authority, as required of
pioneer investors
Proposal submitted by the French delegation
[dated 30 March 1992]
- LOS/PCN/TP/1992/CRP.5 Information on a revised training programme
Submitted by the delegation of Japan
[dated 24 January 1992]
- LOS/PCN/TP/1992/CRP.5/Corr.1 Corrigendum
[dated 30 March 1992]

LOS/PCN/TP/1992/CRP.6 Training Programme for the Preparatory Commission
of the International Seabed Authority as required of
pioneer investors
(An outline of the training programme
submitted by the delegation of India)
[dated 19 February 1992]

LOS/PCN/TP/1992/CRP.7 Draft note verbale on the French
training programme
[dated 24 February 1992]

LOS/PCN/TP/1992/CRP.7/Rev.1 Draft note verbale on the training programme
offered by France and Japan
[dated 27 February 1992]

Special Commission 3 - Working papers:

LOS/PCN/SCN.3/WP.6/Add.8 Draft Regulations on Prospecting, Exploration
and Exploitation of Polymetallic Nodules
in the Area. Addendum. Part XI.
Labour, health and safety standards.
Working paper by the Secretariat
[dated 11 February 1992]

LOS/PCN/SCN.3/WP.6/Add.8/Corr.1 Corrigendum
[dated 25 February 1992]

Special Commission 4:

LOS/PCN/SCN.4/L.16 Building requirements and facilities for the
International Tribunal for the Law of the Sea in
Hamburg
(Report of the German Delegation)
[dated 9 March 1992]

Special Commission 4 - Conference room papers:

- LOS/PCN/SCN.4/1992/CRP.45 Suggested redraft of article 32 ¹ in document
LOS/PCN/SCN.4/WP.5/Rev.1
(Submitted by the Secretariat)
[dated 6 March 1992]
- LOS/PCN/SCN.4/1992/CRP.46 Proposed amendments to article 1 (d) and
article 23 (1) of document
LOS/PCN/SCN.4/WP.6/Rev.1
(Proposed by the delegation of Senegal)
[dated 6 March 1992]

¹ To replace article 32, paras. 1 and 2.

New York, 10-21 August 1992

LOS/PCN/INF.23

Delegations to the Meeting of the
Preparatory Commission, New York,
10-21 August 1992
[dated 3 September 1992]

LOS/PCN/L.103

Progress report of the Chairman of the
Preparatory Commission for the International Seabed
Authority and for the International Tribunal for the Law
of the Sea on the work of the Commission
[dated 7 July 1992]

LOS/PCN/L.104

Statement to the Plenary by the Chairman of
Special Commission 1 on the progress of work in that
Commission
[dated 20 August 1992]

LOS/PCN/L.105

Statement to the Plenary by the Chairman of
Special Commission 2 on the progress of work in that
Commission
[dated 19 August 1992]

LOS/PCN/L.106

Statement to the Plenary by the Chairman of
Special Commission 3 on the progress of work in that
Commission
[dated 19 August 1992]

LOS/PCN/L.107

Statement to the Plenary by the Chairman of
Special Commission 4 on the progress of work in that
Commission
[dated 20 August 1992]

LOS/PCN/L.108

Statement by the Chairman of the
Preparatory Commission
[dated 20 August 1992]

Working papers:

- LOS/PCN/WP.20/Rev.3 Final Draft Rules of Procedure of the
Assembly of the International Seabed Authority
Working paper by the Secretariat
[dated 28 July 1992]
- LOS/PCN/WP.26/Rev.3 Final Draft Rules of Procedure of the
Council of the International Seabed Authority
Working paper by the Secretariat
[dated 28 July 1992]
- LOS/PCN/WP.31/Rev.3 Final Draft Rules of Procedure of the
Legal and Technical Commission
Working paper by the Secretariat
[dated 28 July 1992]
- LOS/PCN/WP.45/Rev.2 The Finance Committee
Working paper prepared by the Secretariat
[dated 20 August 1992]
- LOS/PCN/WP.47/Rev.2 Final Draft Agreement between the International
Seabed Authority and the Government of Jamaica
regarding the headquarters of the International Seabed
Authority
Working paper by the Secretariat
[dated 28 July 1992]
- LOS/PCN/WP.49/Rev.2 Final Draft Protocol on the Privileges
and Immunities of the International
Seabed Authority
Working paper by the Secretariat
[dated 28 July 1992]
- LOS/PCN/WP.50/Rev.2 Final Agreement concerning the relationship
between the United Nations and the International Seabed
Authority
Working paper by the Secretariat
[dated 28 July 1992]

Conference room papers:

- LOS/PCN/1992/CRP.57 Provisional timetable
[dated 11 August 1992]
- LOS/PCN/1992/CRP.58 Draft provisional final report of the Plenary
[dated 14 August 1992]
- LOS/PCN/1992/CRP.59 Provisional list of delegations
New York, 10-21 August 1992
[dated 18 August 1992]
- LOS/PCN/1992/CRP.60 Chairman's draft understanding on the
fulfilment of obligations by the registered pioneer
investor, the Interoceanmetal Joint Organization (IOM)
and its certifying States, the Republic of Bulgaria, the
Republic of Cuba, the Czech and Slovak Federal
Republic, the Republic of Poland and the Russian
Federation
[dated 17 August 1992]
- LOS/PCN/1992/CRP.60/Corr.1 Corrigendum
(Arabic only) [dated 17 August 1992]
- General Committee (Bureau):
- LOS/PCN/BUR/R.10/Add.1 Report of the Group of Technical Experts to
the General Committee of the Preparatory Commission
for the International Seabed Authority and for the
International Tribunal for the Law of the Sea.
Addendum.
Material of a non-confidential nature additional to that
presented in the report contained in document
LOS/PCN/BUR/R.10, provided by the Secretariat at the
request of the General Committee
[dated 24 July 1992]
- LOS/PCN/BUR/R.17 Report of the third meeting of the Training
Panel to the General Committee of the Preparatory
Commission
[dated 28 January 1993]

- LOS/PCN/BUR/R.18 Selection of candidates by the Training Panel for designation by the Preparatory Commission in respect of the traineeships under the training programmes offered by France and Japan [dated 17 August 1992]
- LOS/PCN/BUR/R.19 Draft note verbale on the traineeships under the training programmes offered by India and the Russian Federation submitted by the Training Panel to the General Committee of the Preparatory Commission [dated 17 August 1992]

Special Commission 1 (Working papers):

- LOS/PCN/SCN.1/WP.15 Projection of future demand, supply and price of the metals contained in polymetallic nodules
Background note by the Secretariat
[dated 5 August 1992]

Special Commission 1 (Conference room papers):

- LOS/PCN/SCN.1/1992/CRP.18/
Rev.4 Criteria for the identification of developing land-based producer States actually or likely to be affected by seabed production
Revised suggestions by the Chairman of the Ad Hoc Working Group of Special Commission 1
[dated 13 August 1992]
- LOS/PCN/SCN.1/1992/CRP.19/
Rev.3 Assistance to developing land-based producer States actually or likely to be affected by seabed production
Revised suggestions by the Chairman of the Ad Hoc Working Group of Special Commission 1
[dated 17 August 1992]
- LOS/PCN/SCN.1/1992/CRP.22 Draft provisional report of Special Commission 1
[dated 20 August 1992]
- LOS/PCN/SCN.1/1992/CRP.22/
Add.1 Draft provisional report of Special Commission 1
Addendum
[dated 30 November 1992]

- LOS/PCN/SCN.1/1992/CRP.22/
Add.2 Draft provisional report of Special Commission 1
Addendum
[dated 30 November 1992]
- LOS/PCN/SCN.1/1992/CRP.22/
Add.3 Draft provisional report of Special Commission 1
Addendum
[dated 30 November 1992]
- LOS/PCN/SCN.1/1992/CRP.22/
Add.4 Draft provisional report of Special Commission 1
Addendum
[dated 30 November 1992]

Special Commission 2 (Conference room papers):

- LOS/PCN/SCN.2/1992/CRP.6 Draft provisional final report
of Special Commission 2
[dated 17 August 1992]

Conference room papers (Training Panel):

- LOS/PCN/TP/1992/CRP.8 Training Programme for the Preparatory
Commission of the International Seabed Authority as
required by pioneer investors
Revised proposal submitted by the
delegation of India
[dated 7 July 1992]
- LOS/PCN/TP/1992/CRP.8/
Corr.1 Corrigendum
[dated 12 August 1992]
- LOS/PCN/TP/1992/CRP.9 Summary sheets of applications submitted for
traineeships under the Training Programmes offered by
France and Japan
Note prepared by the Secretariat
[dated 28 July 1992]
- LOS/PCN/TP/1992/CRP.10 Synopses of applications submitted for
traineeships under the Training Programmes offered by
France and Japan
Note prepared by the Secretariat
[dated 3 August 1992]

LOS/PCN/TP/1992/CRP.11 Information on the training of personnel
Revised Training Programme submitted by the
delegation of the Russian Federation
[dated 7 August 1992]

LOS/PCN/TP/1992/CRP.11/
Corr.1 (French only) Corrigendum
[dated 18 August 1992]

Special Commission 3 (Working papers):

LOS/PCN/SCN.3/WP.16 Suggested amendments to the Draft Regulations
on Prospecting, Exploration and Exploitation of
Polymetallic Nodules in the Area
Part X. Accounting principles and procedure
(LOS/PCN/SCN.3/WP.6/Add.7)
Proposals submitted by the European Community on
behalf of the Community and its Member States
[dated 23 July 1992]

Special Commission 3 (Conference room papers):

LOS/PCN/SCN.3/1992/CRP.15 Comments on document LOS/PCN/SCN.3/WP.6/Add.7
and on the amendments proposed by the European
Community and its member States
(LOS/PCN/SCN.3/WP.16)
(Draft Regulations on Prospecting, Exploration and
Exploitation of Polymetallic Nodules in the Area. Part X.
Accounting Principles and Procedures)
[dated 23 July 1992]

LOS/PCN/SCN.3/1992/CRP.16 Draft Regulations on Prospecting, Exploration
and Exploitation of Polymetallic Nodules in the Area.
Part XI. Labour, health and safety standards.
Working paper by the Secretariat
[dated 13 July 1992]

LOS/PCN/SCN.3/1992/CRP.17 Draft final report of Special Commission 3
[dated 22 July 1992]

Special Commission 4:

LOS/PCN/SCN.4/L.16/Add.1 Building requirements and facilities for the
International Tribunal for the Law of the Sea in
Hamburg
(Presented by the delegation of Germany)
[dated 17 August 1992]

Special Commission 4 (Working papers):

LOS/PCN/SCN.4/WP.12 Suggestions of the Latin American and Caribbean
Group regarding languages of the International Tribunal
for the Law of the Sea (LOS/PCN/SCN.4/WP.2/Rev.1;
LOS/PCN/SCN.4/WP.8 and Add.1 and 2)
[dated 13 August 1992]

LOS/PCN/SCN.4/WP.13 Proposals submitted by Austria, Belgium, Canada,
Côte d'Ivoire, France, Greece, India, Poland, Senegal
and Switzerland concerning the languages of the
International Tribunal for the Law of the Sea
(LOS/PCN/SCN.4/WP.2/Rev.1;
LOS/PCN/SCN.4/WP.8 and Add.1 and 2)
[dated 18 August 1992]

LOS/PCN/SCN.4/WP.13/Corr.1 Corrigendum
[dated 1 September 1992]

LOS/PCN/SCN.4/WP.14 Draft outline for Report of the Preparatory
Commission containing recommendations regarding
practical arrangements for the establishment of the
International Tribunal for the Law of the Sea
[dated 19 August 1992]

IV. OTHER INFORMATION

A. Accessions

Convention on the Territorial Sea and the Contiguous Zone, done at Geneva on 29 April 1958

Accession: Latvia (17 November 1992) ¹

Convention on the High Seas, done at Geneva on 29 April 1958

Accession: Latvia (17 November 1992) ¹

¹ The date of receipt of the relevant documents.

B. Announcement from the United States Department of State to enforce moratorium on driftnet fishing, 8 March 1993¹

The United States announced plans today to enforce a moratorium on large-scale driftnet fishing on the high seas. The moratorium was agreed to at the General Assembly of the United Nations in 1991. Under General Assembly resolution 46/215 of 20 December 1991, which was adopted by consensus, a global moratorium on all large-scale pelagic driftnet fishing operations on the high seas took effect on 1 January 1993. All members of the international community agreed to take measures individually and collectively to implement the resolution.

The United States plans to take the following steps in the event U.S. enforcement authorities have reasonable grounds to believe that any foreign flag vessel encountered on the high seas is conducting, or has conducted, large-scale pelagic driftnet fishing operations in violation of the United Nations resolution:

1. U.S. authorities will contact the authorities of the territory whose flag the vessel is flying to seek confirmation that the vessel is in fact registered by those authorities. If the vessel is not flying a flag, U.S. authorities will contact the authorities of the territory in which the vessel claims to be registered to seek confirmation of the same information. The U.S. Government will expect a prompt response to such a request to facilitate enforcement operations.
2. If the contacted authorities verify that the vessel in question is registered in their territory, U.S. authorities will take appropriate action in accordance with agreements in force between the United States and those authorities or any other bilateral or multilateral arrangements that may be made to prevent large-scale pelagic driftnet fishing operations on the high seas inconsistent with the United Nations resolution. If there are no pre-existing arrangements, the United States will seek a special arrangement to take law enforcement, or other appropriate action, on behalf of the authorities in whose territory the vessel is registered.
3. If the contacted authorities deny that the vessel in question is registered in their territory, or if the vessel refuses to reveal or claim a territory of registry, U.S. authorities will, consistent with article 92 of the 1982 United Nations Convention on the Law of the Sea, treat the vessel as stateless. It is noted that, under customary international law and U.S. law, a stateless vessel conducting large-scale pelagic driftnet fishing operations on the high seas would be subject to penalty in the United States.

¹ Text transmitted by the United States Mission to the United Nations.

C. Statement of the Ministry of Foreign Affairs of Thailand¹

It has been brought to the attention of the Ministry of Foreign Affairs that several States have now enacted laws and regulations, the effect of which is to restrict the rights of passage and the freedom of navigation of foreign ships in their maritime zones. The Ministry of Foreign Affairs wishes to make known the position of the Royal Thai Government on this matter as follows:

1. According to the well-established rules of customary international law and State practice as recognized and codified by the 1982 United Nations Convention on the Law of the Sea, ships of all States have the right of innocent passage in the territorial sea, the right of transit passage in the strait used for international navigation and the freedom of navigation in the exclusive economic zone of another State.

2. All foreign ships, including warships, merchant ships and fishing vessels, can exercise such rights and freedom without having to give prior notification to, or obtain prior permission, approval or consent from the coastal State concerned regarding their intended passage.

3. Therefore, any laws and regulations which tend to restrict the aforesaid rights and freedom are contrary to the rules of customary international law and are, moreover, incompatible with the obligations assumed by the States concerned when they signed the 1982 Convention.

4. For these reasons, the Royal Thai Government feels obliged to declare that Thailand does not consider itself bound by the laws and regulations in question. In the meantime, it is hoped that States which have enacted such laws and regulations will not actually carry out any measure to impede or interfere in any way with the legitimate exercise by foreign ships of the right of innocent passage in their territorial seas, the right of transit passage in their straits used for international navigation or the freedom of navigation in their exclusive economic zones.

¹ See United Nations General Assembly document A/48/90 of 22 February 1993.