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No. 68

2008

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

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the Implementation of Part XI of the Convention and of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

1. Table recapitulating the status of the Convention and of the related Agreements, as at 30 November 2008

This consolidated table, prepared by the Division for Ocean Affairs and the Law of the Sea, Office of the Legal Affairs, provides unofficial, quick reference information related to the participation in UNCLOS and the two implementing Agreements. For official information on the status of these treaties, please refer to the publication entitled “*Multilateral Treaties deposited with the Secretary-General*” (<http://untreaty.un.org/>). The symbol “□” indicates that a declaration or statement was made at the time of signature; at the time of ratification/accession or anytime thereafter or declarations confirmed upon succession. A double icon (□□) indicates that two declarations were made by the State. The abbreviation (fc) indicates a formal confirmation; (a) an accession; (s) a succession; (ds) a definitive signature; (p) the consent to be bound; (sp) a simplified procedure. Names of States in *italics* indicate non-members of the United Nations; shaded rows indicate landlocked States.

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)	
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
TOTALS	157 (□34)	157	□68	79	135	59 (□5)	72
Afghanistan	18/03/83						
Albania		23/06/03(a)			23/06/03(p)		
Algeria	10/12/82□	11/06/96	□	29/07/94	11/06/96(p)		
Andorra							
Angola	10/12/82□	05/12/90					
Antigua and Barbuda	07/02/83	02/02/89					
Argentina	05/10/84□	01/12/95	□	29/07/94	01/12/95	04/12/95	
Armenia		09/12/02(a)			09/12/02(a)		
Australia	10/12/82	05/10/94	□	29/07/94	05/10/94	04/12/95	23/12/99
Austria	10/12/82	14/07/95	□	29/07/94	14/07/95	27/06/96	19/12/03
Azerbaijan							
Bahamas	10/12/82	29/07/83		29/07/94	28/07/95(sp)		16/01/97(a)
Bahrain	10/12/82	30/05/85					
Bangladesh	10/12/82	27/07/01	□		27/07/01(a)	04/12/95	
Barbados	10/12/82	12/10/93		15/11/94	28/07/95(sp)		22/09/00(a)
Belarus	10/12/82□	30/08/06	□		30/08/06(a)		

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Belgium	05/12/84	13/11/98	<input type="checkbox"/>	29/07/94	13/11/98(p)	03/10/96	19/12/03	<input type="checkbox"/>
Belize	10/12/82	13/08/83			21/10/94(ds)	04/12/95	14/07/05	
Benin	30/08/83	16/10/97			16/10/97(p)			
Bhutan	10/12/82							
Bolivia	27/11/84	28/04/95			28/04/95(p)			
Bosnia and Herzegovina		12/01/94(s)						
Botswana	05/12/84	02/05/90			31/01/05(a)			
Brazil	10/12/82	22/12/88	<input type="checkbox"/>	29/07/94	25/10/07	04/12/95	08/03/00	
Brunei Darussalam	05/12/84	05/11/96			05/11/96(p)			
Bulgaria	10/12/82	15/05/96			15/05/96(a)		13/12/06(a)	<input type="checkbox"/>
Burkina Faso	10/12/82	25/01/05		30/11/94	25/01/05(p)	15/10/96		
Burundi	10/12/82							
Cambodia	01/07/83							
Cameroon	10/12/82	19/11/85		24/05/95	28/08/02			
Canada	10/12/82	07/11/03	<input type="checkbox"/>	29/07/94	07/11/03	04/12/95	03/08/99	<input type="checkbox"/>
Cape Verde	10/12/82	10/08/87	<input type="checkbox"/>	29/07/94	23/04/08			
Central African Republic	04/12/84							
Chad	10/12/82							
Chile	10/12/82	25/08/97	<input type="checkbox"/>		25/08/97(a)			
China	10/12/82	07/06/96	<input type="checkbox"/>	29/07/94	07/06/96(p)	06/11/96		
Colombia	10/12/82							
Comoros	06/12/84	21/06/94						
Congo	10/12/82	09/07/08			09/07/08(p)			
Cook Islands	10/12/82	15/02/95			15/02/95(a)		01/04/99(a)	
Costa Rica	10/12/82	21/09/92			20/09/01(a)		18/06/01(a)	
Côte d'Ivoire	10/12/82	26/03/84		25/11/94	28/07/95(sp)	24/01/96		
Croatia		05/04/95(s)	<input type="checkbox"/>		05/04/95(p)			
Cuba	10/12/82	15/08/84	<input type="checkbox"/>		17/10/02(a)			
Cyprus	10/12/82	12/12/88		01/11/94	27/07/95		25/09/02(a)	

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	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Czech Republic	22/02/93	21/06/96	<input type="checkbox"/>	16/11/94	21/06/96		19/03/07(a)	<input type="checkbox"/>
Democratic People's Republic of Korea	10/12/82							
Democratic Republic of the Congo	22/08/83	17/02/89						
Denmark	10/12/82	16/11/04	<input type="checkbox"/>	29/07/94	16/11/04	27/06/96	19/12/03	<input type="checkbox"/>
Djibouti	10/12/82	08/10/91						
Dominica	28/03/83	24/10/91						
Dominican Republic	10/12/82							
Ecuador								
Egypt	10/12/82	26/08/83	<input type="checkbox"/>	22/03/95		05/12/95		
El Salvador	05/12/84							
Equatorial Guinea	30/01/84	21/07/97	<input type="checkbox"/>		21/07/97(p)			
Eritrea								
Estonia		26/08/05(a)	<input type="checkbox"/>		26/08/05(a)		07/08/06(a)	<input type="checkbox"/>
Ethiopia	10/12/82							
European Community	07/12/84	01/04/98(fc)	<input type="checkbox"/>	29/07/94	01/04/98(fc)	27/06/96	19/12/03	<input type="checkbox"/>
Fiji	10/12/82	10/12/82		29/07/94	28/07/95	04/12/95	12/12/96	
Finland	10/12/82	21/06/96	<input type="checkbox"/>	29/07/94	21/06/96	27/06/96	19/12/03	<input type="checkbox"/>
France	10/12/82	11/04/96	<input type="checkbox"/>	29/07/94	11/04/96	04/12/96	19/12/03	<input type="checkbox"/>
Gabon	10/12/82	11/03/98		04/04/95	11/03/98(p)	07/10/96		
Gambia	10/12/82	22/05/84						
Georgia		21/03/96(a)			21/03/96(p)			
Germany		14/10/94(a)	<input type="checkbox"/>	29/07/94	14/10/94	28/08/96	19/12/03	<input type="checkbox"/>
Ghana	10/12/82	7/06/83						
Greece	10/12/82	21/07/95	<input type="checkbox"/>	29/07/94	21/07/95	27/06/96	19/12/03	<input type="checkbox"/>
Grenada	10/12/82	25/04/91		14/11/94	28/07/95(sp)			
Guatemala	08/07/83	11/02/97	<input type="checkbox"/>		11/02/97(p)			
Guinea	04/10/84	06/09/85	<input type="checkbox"/>	26/08/94	28/07/95(sp)		16/09/05(a)	
Guinea-Bissau	10/12/82	25/08/86	<input type="checkbox"/>			04/12/95		

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	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
Guyana	10/12/82	16/11/93			25/09/08(a)		
Haiti	10/12/82	31/07/96			31/07/96(p)		
<i>Holy See</i>							
Honduras	10/12/82	05/10/93	☐		28/07/03(a)		
Hungary	10/12/82	05/02/02	☐		05/02/02(a)		16/05/08(a)
Iceland	10/12/82	21/06/85	☐	29/07/94	28/07/95(sp)	04/12/95	14/02/97
India	10/12/82	29/06/95	☐	29/07/94	29/06/95		19/08/03(a)
Indonesia	10/12/82	03/02/86		29/07/94	02/06/00	04/12/95	
Iran (Islamic Republic of)	10/12/82☐						17/04/98(a)
Iraq	10/12/82☐	30/07/85					
Ireland	10/12/82	21/06/96	☐	29/07/94	21/06/96	27/06/96	19/12/03
Israel						04/12/95	
Italy	07/12/84☐	13/01/95	☐	29/07/94	13/01/95	27/06/96	19/12/03
Jamaica	10/12/82	21/03/83		29/07/94	28/07/95(sp)	04/12/95	
Japan	07/02/83	20/06/96		29/07/94	20/06/96	19/11/96	07/08/06
Jordan		27/11/95(a)			27/11/95(p)		
Kazakhstan							
Kenya	10/12/82	02/03/89			29/07/94(ds)		13/07/04(a)
Kiribati		24/02/03(a)	☐		24/02/03(p)		15/09/05(a)
Kuwait	10/12/82	02/05/86	☐		02/08/02(a)		
Kyrgyzstan							
Lao People's Democratic Republic	10/12/82	05/06/98		27/10/94	05/06/98(p)		
Latvia		23/12/04(a)	☐		23/12/04(a)		05/02/07(a)
Lebanon	07/12/84	05/01/95			05/01/95(p)		
Lesotho	10/12/82	31/05/07			31/05/07(p)		
Liberia	10/12/82	25/09/08			25/09/08(p)		16/09/05(a)
Libyan Arab Jamahiriya	03/12/84						

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Liechtenstein	30/11/84							
Lithuania		12/11/03(a)	<input type="checkbox"/>		12/11/03(a)		01/03/07(a)	<input type="checkbox"/>
Luxembourg	05/12/84 ¹	05/10/00		29/07/94	05/10/00	27/06/96	19/12/03	<input type="checkbox"/>
Madagascar	25/02/83	22/08/01			22/08/01(p)			
Malawi	07/12/84							
Malaysia	10/12/82	14/10/96	<input type="checkbox"/>	02/08/94	14/10/96(p)			
Maldives	10/12/82	07/09/00		10/10/94	07/09/00(p)	08/10/96	30/12/98	
Mali	19/10/83 ¹	16/07/85						
Malta	10/12/82	20/05/93	<input type="checkbox"/>	29/07/94	26/06/96		11/11/01(a)	<input type="checkbox"/>
Marshall Islands		09/08/91(a)				04/12/95	19/03/03	
Mauritania	10/12/82	17/07/96		02/08/94	17/07/96(p)	21/12/95		
Mauritius	10/12/82	04/11/94			04/11/94(p)		25/03/97(a)	<input type="checkbox"/>
Mexico	10/12/82	18/03/83	<input type="checkbox"/>		10/04/03(a)			
Micronesia (Federated States of)		29/04/91(a)		10/08/94	06/09/95	04/12/95	23/05/97	
Moldova		06/02/07(a)	<input type="checkbox"/>		06/02/07(p)			
Monaco	10/12/82	20/03/96		30/11/94	20/03/96(p)		09/06/99(a)	
Mongolia	10/12/82	13/08/96		17/08/94	13/08/96(p)			
Montenegro		23/10/06(d)	<input type="checkbox"/>		23/10/06(d)			
Morocco	10/12/82	31/05/07	<input type="checkbox"/>	19/10/94	31/05/07	04/12/95		
Mozambique	10/12/82	13/03/97			13/03/97(a)			
Myanmar	10/12/82	21/05/96			21/05/96(a)			
Namibia	10/12/82	18/04/83		29/07/94	28/07/95(sp)	19/04/96	08/04/98	
Nauru	10/12/82	23/01/96			23/01/96(p)		10/01/97(a)	
Nepal	10/12/82	02/11/98			02/11/98(p)			
Netherlands	10/12/82	28/06/96	<input type="checkbox"/>	29/07/94	28/06/96	28/06/96 ¹	19/12/03	<input type="checkbox"/>
New Zealand	10/12/82	19/07/96		29/07/94	19/07/96	04/12/95	18/04/01	
Nicaragua	09/12/84 ¹	03/05/00	<input type="checkbox"/>		03/05/00(p)			
Niger	10/12/82							
Nigeria	10/12/82	14/08/86		25/10/94	28/07/95(sp)			

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Niue	05/12/84	11/10/06			11/10/06(p)	04/12/95	11/10/06	
Norway	10/12/82	24/06/96	<input type="checkbox"/>		24/06/96(a)	04/12/95	30/12/96	<input type="checkbox"/>
Oman	01/07/83	17/08/89	<input type="checkbox"/>		26/02/97(a)		14/05/08(a)	
Pakistan	10/12/82	26/02/97	<input type="checkbox"/>	10/08/94	26/02/97(p)	15/02/96		
Palau		30/09/96(a)	<input type="checkbox"/>		30/09/96(p)		26/03/08(a)	
Panama	10/12/82	01/07/96	<input type="checkbox"/>		01/07/96(p)			
Papua New Guinea	10/12/82	14/01/97			14/01/97(p)	04/12/95	04/06/99	
Paraguay	10/12/82	26/09/86		29/07/94	10/07/95			
Peru								
Philippines	10/12/82	08/05/84	<input type="checkbox"/>	15/11/94	23/07/97	30/08/96		
Poland	10/12/82	13/11/98		29/07/94	13/11/98(p)		14/03/06(a)	<input type="checkbox"/>
Portugal	10/12/82	03/11/97	<input type="checkbox"/>	29/07/94	03/11/97	27/06/96	19/12/03	<input type="checkbox"/>
Qatar	27/11/84	09/12/02			09/12/02(p)			
Republic of Korea	14/03/83	29/01/96	<input type="checkbox"/>	07/11/94	29/01/96	26/11/96	01/02/08	
Romania	10/12/82	17/12/96	<input type="checkbox"/>		17/12/96(a)		16/07/07(a)	
Russian Federation	10/12/82	12/03/97	<input type="checkbox"/>		12/03/97(a)	04/12/95	04/08/97	<input type="checkbox"/>
Rwanda	10/12/82							
Saint Kitts and Nevis	07/12/84	07/01/93						
Saint Lucia	10/12/82	27/03/85				12/12/95	09/08/96	
Saint Vincent and the Grenadines	10/12/82	01/10/93						
Samoa	28/09/84	14/08/95		07/07/95	14/08/95(p)	04/12/95	25/10/96	
San Marino								
Sao Tome and Principe	13/07/83	03/11/87						
Saudi Arabia	07/12/84	24/04/96	<input type="checkbox"/>		24/04/96(p)			

State or entity	UNCLOS (in force as from 16/11/1994)		Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)	
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
Senegal	10/12/82	25/10/84	09/08/94	25/07/95	04/12/95	30/01/97
Serbia		12/03/01(s)	12/05/95	28/07/95(sp) ¹		
Seychelles	10/12/82	16/09/91	29/07/94	15/12/94	04/12/96	20/03/98
Sierra Leone	10/12/82	12/12/94		12/12/94(p)		
Singapore	10/12/82	17/11/94		17/11/94(p)		
Slovakia	28/05/93	08/05/96	14/11/94	08/05/96		06/11/08(a)
Slovenia		16/06/95(s)	19/01/95	16/06/95		15/06/06(a)
Solomon Islands	10/12/82	23/06/97		23/06/97(p)		13/02/97(a)
Somalia	10/12/82	24/07/89				
South Africa	05/12/84	23/12/97	03/10/94	23/12/97		14/08/03(a)
Spain	04/12/84	15/01/97	29/07/94	15/01/97	03/12/96	19/12/03
Sri Lanka	10/12/82	19/07/94	29/07/94	28/07/95(sp)	09/10/96	24/10/96
Sudan	10/12/82	23/01/85	29/07/94			
Suriname	10/12/82	09/07/98		09/07/98(p)		
Swaziland	18/01/84		12/10/94			
Sweden	10/12/82	25/06/96	29/07/94	25/06/96	27/06/96	19/12/03
Switzerland	17/10/84		26/10/94			
Syrian Arab Republic						
Tajikistan						
Thailand	10/12/82					
The former Yugoslav Republic of Macedonia		19/08/94 (s)		19/08/94(p)		
Timor-Leste						
Togo	10/12/82	16/04/85	03/08/94	28/07/95(sp)		
Tonga		02/08/95(a)		2/08/95(p)	04/12/95	31/07/96

¹ For further details, see Chapter XXI of the publication entitled "Multilateral Treaties deposited with the Secretary-General" (<http://treaties.un.org/Pages/ParticipationStatus.aspx>)

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Trinidad and Tobago	10/12/82	25/04/86	☐	10/10/94	28/07/95(sp)		13/09/06(a)	
Tunisia	10/12/82	24/04/85	☐	15/05/95	24/05/02			
Turkey								
Turkmenistan								
Tuvalu	10/12/82	09/12/02			09/12/02(p)			
Uganda	10/12/82	09/11/90		09/08/94	28/07/95(sp)	10/10/96		
Ukraine	10/12/82	26/07/99	☐	28/02/95	26/07/99	04/12/95	27/02/03	
United Arab Emirates	10/12/82							
United Kingdom		25/07/97(a)	☐	29/07/94	25/07/97	04/12/95	10/12/01 19/12/03 ¹	☐
United Republic of Tanzania	10/12/82	30/09/85	☐	07/10/94	25/06/98			
United States of America				29/07/94		04/12/95	21/08/96	☐
Uruguay	10/12/82	10/12/92	☐	29/07/94	07/08/07	16/01/96	10/09/99	☐
Uzbekistan								
Vanuatu	10/12/82	10/08/99		29/07/94	10/08/99(p)	23/07/96		
Venezuela (Bolivarian Republic of)								
Viet Nam	10/12/82	25/07/94	☐		27/04/06(a)			
Yemen	10/12/82	21/07/87	☐					
Zambia	10/12/82	07/03/83		13/10/94	28/07/95(sp)			
Zimbabwe	10/12/82	24/02/93		28/10/94	28/07/95(sp)			
TOTALS	157 (☐34)	157	☐68	79	135	59(☐5)	72	☐31

1. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 30 November 2008

(a) The Convention

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

88. Saudi Arabia (24 April 1996)
89. Slovakia (8 May 1996)
90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)
121. Portugal (3 November 1997)
122. South Africa (23 December 1997)
123. Gabon (11 March 1998)
124. European Community (1 April 1998)
125. Lao People's Democratic Republic (5 June 1998)
126. Suriname (9 July 1998)
127. Nepal (2 November 1998)
128. Belgium (13 November 1998)
129. Poland (13 November 1998)
130. Ukraine (26 July 1999)
131. Vanuatu (10 August 1999)
132. Nicaragua (3 May 2000)
133. Maldives (7 September 2000)
134. Luxembourg (5 October 2000)
135. Serbia (12 March 2001)
136. Bangladesh (27 July 2001)
137. Madagascar (22 August 2001)
138. Hungary (5 February 2002)
139. Armenia (9 December 2002)
140. Qatar (9 December 2002)
141. Tuvalu (9 December 2002)
142. Kiribati (24 February 2003)
143. Albania (23 June 2003)
144. Canada (7 November 2003)
145. Lithuania (12 November 2003)
146. Denmark (16 November 2004)
147. Latvia (23 December 2004)
148. Burkina Faso (25 January 2005)
149. Estonia (26 August 2005)
150. Belarus (30 August 2006)
151. Niue (11 October 2006)
152. Montenegro (23 October 2006)
153. Moldova (6 February 2007)
154. Lesotho (31 May 2007)
155. Morocco (31 May 2007)
156. Congo (9 July 2008)
157. Liberia (25 September 2008)

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

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

32. Sri Lanka (28 July 1995)
33. Togo (28 July 1995)
34. Trinidad and Tobago (28 July 1995)
35. Uganda (28 July 1995)
36. Serbia (28 July 1995)¹
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)
40. Samoa (14 August 1995)
41. Micronesia (Federated States of)
(6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)
72. Papua New Guinea (14 January 1997)
73. Spain (15 January 1997)
74. Guatemala (11 February 1997)
75. Oman (26 February 1997)
76. Pakistan (26 February 1997)
77. Russian Federation (12 March 1997)
78. Mozambique (13 March 1997)
79. Solomon Islands (23 June 1997)
80. Equatorial Guinea (21 July 1997)
81. Philippines (23 July 1997)
82. United Kingdom of Great Britain
and Northern Ireland (25 July 1997)
83. Chile (25 August 1997)
84. Benin (16 October 1997)
85. Portugal (3 November 1997)
86. South Africa (23 December 1997)
87. Gabon (11 March 1998)
88. European Community (1 April 1998)
89. Lao People's Democratic Republic
(5 June 1998)
90. United Republic of Tanzania (25 June 1998)
91. Suriname (9 July 1998)
92. Nepal (2 November 1998)
93. Belgium (13 November 1998)
94. Poland (13 November 1998)
95. Ukraine (26 July 1999)
96. Vanuatu (10 August 1999)
97. Nicaragua (3 May 2000)
98. Indonesia (2 June 2000)
99. Maldives (7 September 2000)
100. Luxembourg (5 October 2000)
101. Bangladesh (27 July 2001)
102. Madagascar (22 August 2001)
103. Costa Rica (20 September 2001)
104. Hungary (5 February 2002)
105. Tunisia (24 May 2002)
106. Cameroon (28 August 2002)
107. Kuwait (2 August 2002)
108. Cuba (17 October 2002)
109. Armenia (9 December 2002)
110. Qatar (9 December 2002)
111. Tuvalu (9 December 2002)
112. Kiribati (24 February 2003)
113. Mexico (10 April 2003)
114. Albania (23 June 2003)
115. Honduras (28 July 2003)
116. Canada (7 November 2003)
117. Lithuania (12 November 2003)
118. Denmark (16 November 2004)
119. Latvia (23 December 2004)
120. Botswana (31 January 2005)
121. Burkina Faso (25 January 2005)
122. Estonia (26 August 2005)
123. Viet Nam (27 April 2006)
124. Belarus (30 August 2006)
125. Niue (11 October 2006)
126. Montenegro (23 October 2006)
127. Moldova (6 February 2007)
128. Lesotho (31 May 2007)
129. Morocco (31 May 2007)
130. Uruguay (7 August 2007)
131. Brazil (25 October 2007)
132. Cape Verde (23 April 2008)
133. Congo (9 July 2008)
134. Liberia (25 September 2008)
135. Guyana (25 September 2008)

¹ For further details, see Chapter XXI of the publication entitled "*Multilateral Treaties deposited with the Secretary-General*" (<http://treaties.un.org/Pages/ParticipationStatus.aspx>)

(c) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)
10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of) (23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)
26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. New Zealand (18 April 2001)
29. Costa Rica (18 June 2001)
30. Malta (11 November 2001)
31. United Kingdom (10 December 2001),
(19 December 2003)¹
32. Cyprus (25 September 2002)
33. Ukraine (27 February 2003)
34. Marshall Islands (19 March 2003)
35. South Africa (14 August 2003)
36. India (19 August 2003)
37. European Community (19 December 2003)
38. Austria (19 December 2003)
39. Belgium (19 December 2003)
40. Denmark (19 December 2003)
41. Finland (19 December 2003)
42. France (19 December 2003)
43. Germany (19 December 2003)
44. Greece (19 December 2003)
45. Ireland (19 December 2003)
46. Italy (19 December 2003)
47. Luxembourg (19 December 2003)
48. Netherlands (19 December 2003)
49. Portugal (19 December 2003)
50. Spain (19 December 2003)
51. Sweden (19 December 2003)
52. Kenya (13 July 2004)
53. Belize (14 July 2005)
54. Kiribati (15 September 2005)
55. Guinea (16 September 2005)
56. Liberia (16 September 2005)
57. Poland (14 March 2006)
58. Slovenia (15 June 2006)
59. Estonia (7 August 2006)
60. Japan (7 August 2006)
61. Trinidad & Tobago (13 September 2006)
62. Niue (11 October 2006)
63. Bulgaria (13 December 2006)
64. Latvia (5 February 2007)
65. Lithuania (1 March 2007)
66. Czech Republic (19 March 2007)
67. Romania (16 July 2007)
68. Republic of Korea (1 February 2008)
69. Palau (26 March 2008)
70. Oman (14 May 2008)
71. Hungary (16 May 2008)
72. Slovakia (6 November 2008)

¹ For further details, see Chapter XXI of the publication entitled "*Multilateral Treaties deposited with the Secretary-General*": (<http://treaties.un.org/Pages/ParticipationStatus.aspx>)

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

A. National Legislation

1. Denmark

- (a) Decree on the Coming into Force of the Act on the Delimitation of the Territorial Sea for the Faroe Islands
Decree No. 240 of 30 April 2002¹

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known:

In pursuance of section 6(1) of Act No. 200 of 7 April 1999 on the Delimitation of the Territorial Sea, it is hereby laid down that the Act shall extend to the Faroe Islands in the following wording:

1(1). Denmark's territorial sea is the external and internal territorial waters.

2(1). The external territorial waters cover those areas of the sea which landward are delimited by the baselines applicable at all times mentioned in section 3 and seaward by lines drawn in such a manner that the distance from every point of these lines to the nearest point of the baselines is 12 nautical miles (22,224m).

(2). In the absence of an agreement to the contrary with foreign States whose coasts lie opposite the coasts of Denmark at a distance not exceeding 24 nautical miles or adjacent to Denmark, the outer limit of the external territorial waters shall not extend beyond the median line every point of which is equidistant from the nearest points of the baselines from which the breadth of territorial seas of each of the two States is measured, unless special circumstances may warrant another delineation.

(3). The Minister for Foreign Affairs shall lay down and shall promulgate the outer limits of the external territorial waters and the baselines on which the measuring of these outer limits shall be based in pursuance of section 1.

(4). In waters where special circumstances prevail, the Minister for Foreign Affairs may resolve that the outer limit of the external territorial waters shall be measured at a distance shorter than 12 nautical miles from the baselines.

3(1). The internal territorial waters cover those areas of the waters, such as ports, harbour entrances, roadsteads, bays, inlets, sounds and belts, which are within the baselines mentioned in section 2(3).

¹ English text provided to the Division for Ocean Affairs and the Law of the Sea by the Permanent Mission of Denmark to the United Nations on 12 August 2008.

4(1). The Decree shall enter into force on 1 June 2002.

(2). On 1 June 2002 Decree No. 599 of 21 December 1976 on the delimitation of the territorial sea of the Faroe Islands shall be repealed.

Given at Amalienborg, 30 April 2002

Under Our Royal Hand and Seal

MARGRETHE R.

/ Per Stig Møller

(b) Decree to Amend the Decree on the Fishing Territory of the Faroe Islands
Decree No. 241 of 30 April 2002¹

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known:

1. The following amendment shall be made to Decree No. 598 of 21 December 1976 on the Fishing Territory of the Faroe Islands as amended by Decree No. 615 of 22 July 1999:

1. Section 2 shall have the following wording:

»Section 2. The baselines from which, pursuant to section 1, the fishing limit shall be measured, shall be identical with the baselines from which the breadth of the territorial sea is measured, and which are laid down and promulgated by the Minister for Foreign Affairs in pursuance of the Act on the Delimitation of the Territorial Sea such as the Act has come into force for the Faroe Islands.«

2. This Decree shall enter into force on 1 June 2002.

Given at Amalienborg, 30 April 2002

Under Our Royal Hand and Seal

MARGRETHE R.

/ Per Stig Møller

¹ English text provided to the Division for Ocean Affairs and the Law of the Sea by the Permanent Mission of Denmark to the United Nations on 12 August 2008.

(c) Executive Order on the Delimitation of the Territorial Sea of the Faroe Islands
Executive Order No. 306 of 16 May 2002¹

For full version: http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/dnk_2002_order_and_decrees.pdf

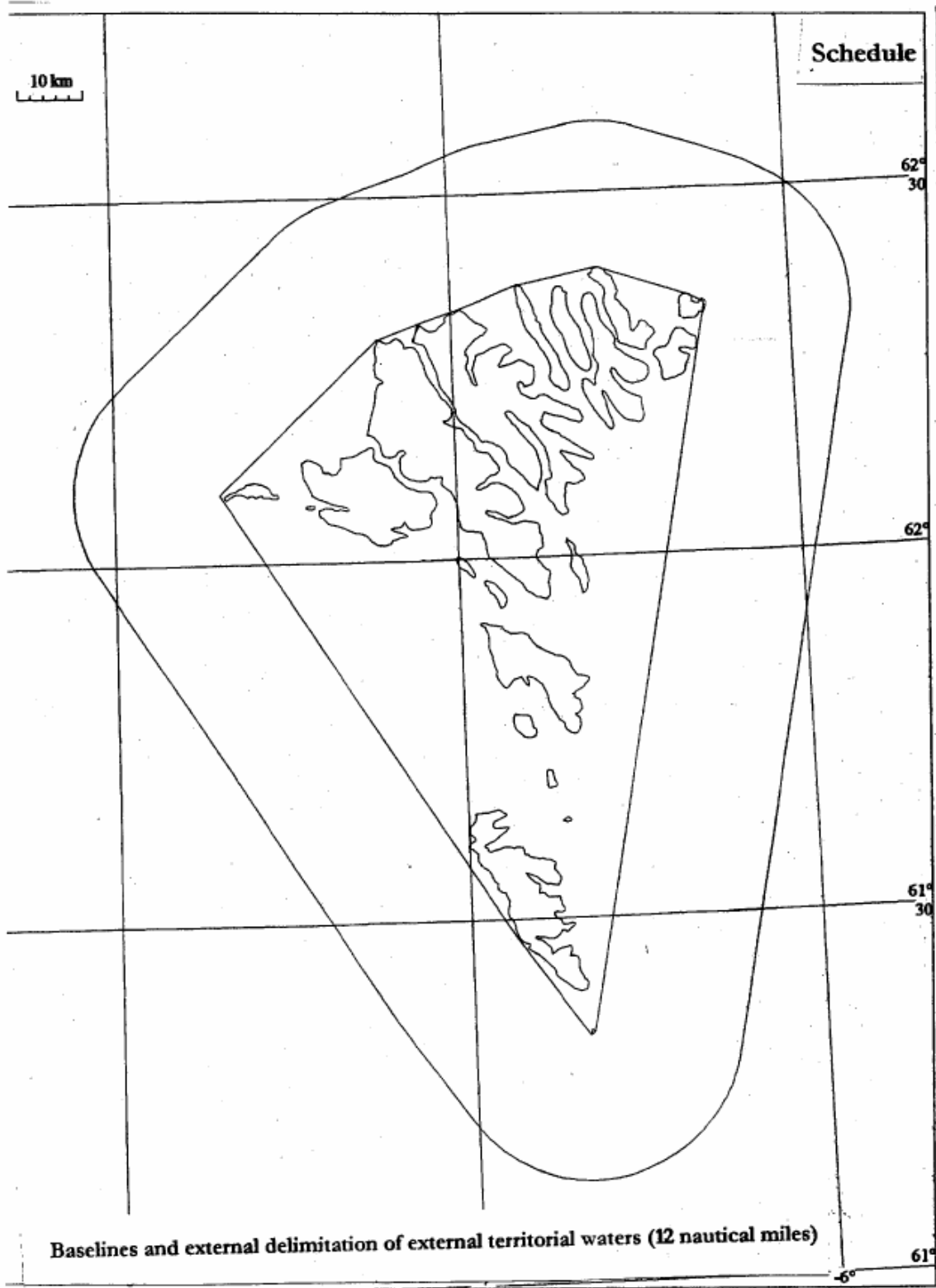
In pursuance of section 2(3) of the Decree No. 240 of 30 April 2002 on the coming into force of the Act on the Delimitation of the Territorial Sea for the Faroe Islands, the following provisions are laid down:

1(1). The external territorial waters cover the areas of the sea which landward are delimited by the baselines mentioned in section 2 and seaward by lines drawn in such a manner that the distance from every point of these lines to the nearest point of the baselines is 12 nautical miles (22.224m). The delimiting lines are reproduced in the sketch map printed as a schedule to this Executive Order.

2(1). The baselines from which the external territorial waters are determined in pursuance of section 1, shall be the coastline and straight lines as stated below between the following points:

Point 1.	Dry rock SW of Sumbiarsteinur (the Munken) and from there a straight line to	61°20'10''.85 N 6°40'23''.77 W
Point 2.	W-most point of the islet W of Fámara and from there a straight line to	61°28'32''.49 N 6°52'28''.56 W
Point 3.	W-most point of Knikarsboði, W of Mykines (Myggenæs) Lighthouse, and from there a straight line to	62°05'45''.35 N 7°41'35''.08 W
Point 4.	NW-most point of islet between Knikarsboði and Breiðafles and from there a straight line to	62°05'47''.32 N 7°41'30''.86 W
Point 5.	W-most point of Breiðafles and from there a straight line to	62°05'51''.69 N 7°41'21''.98 W
Point 6.	W-most point of Skeiðið, NW of Mýlingur, and from there the coastline to	62°18'15''.59 N 7°13'08''.95 W
Point 7.	NE-most point of Skeiðið and from there a straight line to	62°18'17''.61 N 7°12'59''.66 W
Point 8.	W-most point of Risin, N of Eiðiskollur, and from there the coastline to	62°19'25''.00 N 7°06'16''.52 W
Point 9.	N-most point of Risin and from there a straight line to	62°19'27''.14 N 7°06'05''.48 W
Point 10.	N-most point of Rivtangi and from there a straight line to	62°20'30''.46 N 6°59'13''.88 W

¹ English text provided to the Division for Ocean Affairs and the Law of the Sea by the Permanent Mission of Denmark to the United Nations on 12 August 2008.



B. Bilateral Treaties

Indonesia and Singapore

Delimitation of the Territorial Seas of Singapore and Indonesia in the Strait of Singapore, 25 May 1973¹

Noting that the coasts of the two countries are opposite to each other in the Strait of Singapore,
Desiring to strengthen the bonds of friendship between the two countries,
And desiring to establish the boundaries of the territorial seas of the two countries in the Strait of Singapore.

Having agreed as follows:

Article 1

1. The boundary line of the territorial seas of the Republic of Indonesia and the Republic of Singapore in the Strait of Singapore shall be a line, consisting of straight lines drawn between points, the coordinates of which are as follows:

Points	Latitude North	Longitude East
1	1°10'46".0	103° 40' 14".6
2	1°07'49".3	103°44'26".5
3	1°10'17".2	103°48'18".0
4	1°11'45".5	103°51'35".4
5	1°12'26".1	103°52'50".7
6	1°16'10".2	103°02'00".0

2. The coordinates of the points specified in paragraph 1 are geographical coordinates and the boundary line connecting them is indicated on the chart attached as Annexure "A" to this Treaty.

3. The actual location of the above mentioned points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the two countries.

4. For the purpose of paragraph 3, "competent authorities" in relation to the Republic of Indonesia means the Ketua Badan Koordinasi Survey dan pemetaan Nasional (Chief of the Coordination Body for National Survey and Mapping) and in relation to the Republic of Singapore means any persons so authorized by the Government of the Republic of Singapore.

Article 2

Any disputes between the two countries arising out of the interpretation or implementation of this Treaty shall be settled peacefully by consultation or negotiation.

Article 3

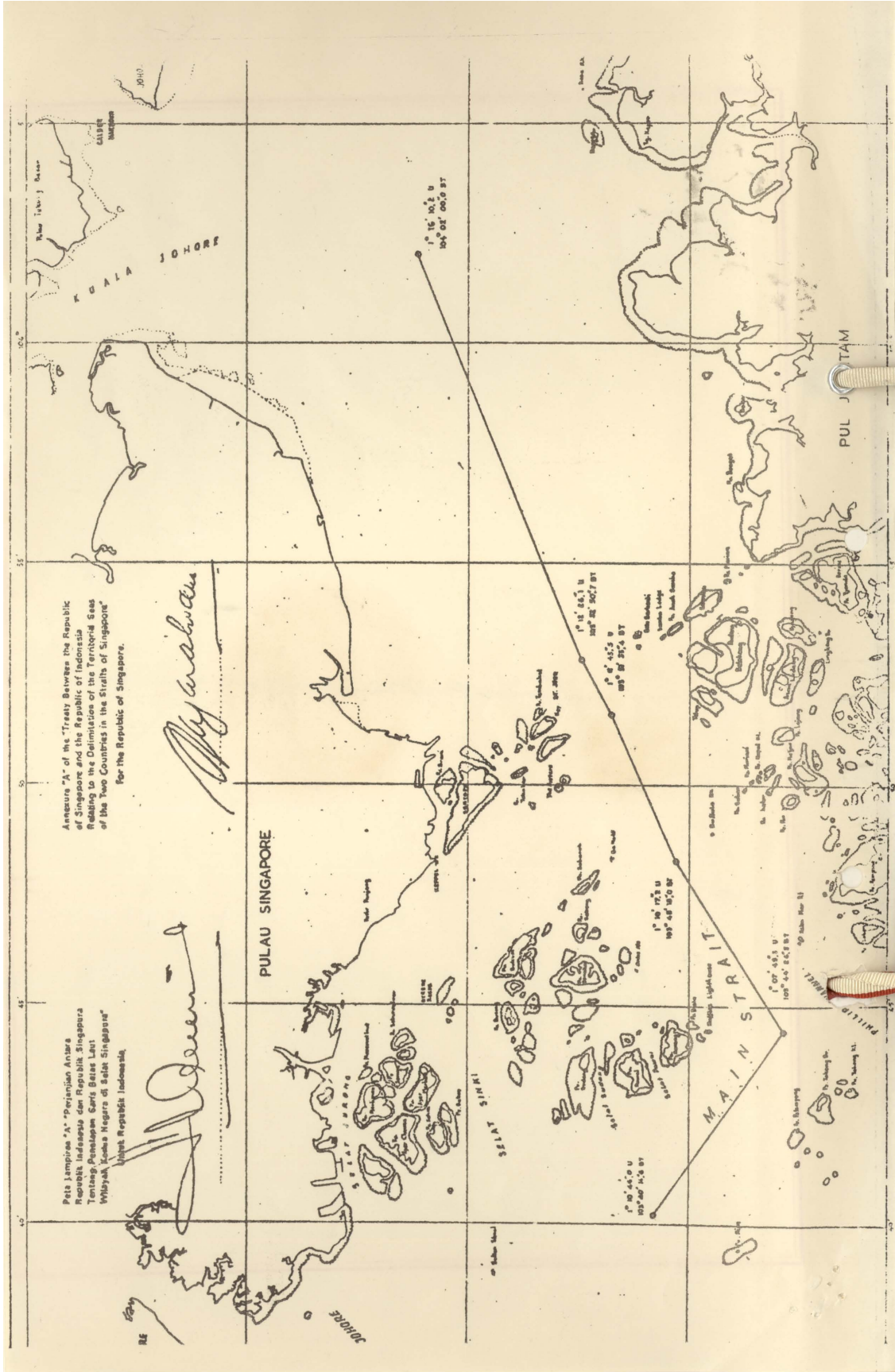
This Treaty shall be ratified in accordance with the constitutional requirements of the two countries.

¹ Registered with the Secretariat of the United Nations on 5 August 2008. Registration #: I-45144. Date of entry into force: 29 August 1974.

Article 4

This Treaty shall enter into force on the date of the exchange of the instruments of ratification.

Done in duplicate at Jakarta, the twenty-fifth day of May one thousand nine hundred and seventy three in the Indonesian and English languages. In the event of any conflict between the texts, the English text shall prevail.



C. Multilateral Treaties

CARICOM Maritime and Airspace Security Cooperation Agreement, 4 July 2008¹

The States Parties,

Mindful of the critical importance of eliminating threats and conduct that undermine the security of Member States.

Recognising the complexity of security in the Region, heightened by its geographical dispersion and the porosity of shorelines open to an extensive maritime space;

Conscious that no single Member State can ensure its own security against the traditional and non-traditional security threats facing the Region;

Recognising also that the main challenge in ensuring the security of the Region is capacity and that cooperation across national borders is imperative in ensuring security of the Region;

Reaffirming their commitment, through continued mutual cooperation and collaboration, to fight effectively against all forms of activities likely to compromise the security of the Region or of any State Party;

Aware of the importance of the Regional Security System in ensuring the stability and well-being of the Region; and

Desirous of increasing their cooperation to the fullest extent in the fight against all forms of security threats to the Region, and thereby enhancing their effectiveness in ensuring their own security, in a manner consistent with the principles of sovereign equality and territorial integrity of States including non-intervention in the domestic affairs of other States.

Have agreed as follows:

Article 1 Definitions

1. In this Agreement:

“airspace of a State Party” means the airspace over the territory (continental and insular) and waters of that State Party;

“CARICOM” means the Caribbean Community;

“Caribbean Community” means the Caribbean Community including the CARICOM Single Market and Economy established by the Revised Treaty of Chaguaramas, signed at Nassau, The Bahamas, on 5 July 2001;

“competent authority” means the person or entity authorised in the circumstances to act on behalf of a State Party;

“international waters: means all parts of the sea not included in the territorial sea, internal waters and archipelagic waters of any State;

“Member State” means a Member State of the Caribbean Community within the meaning of Article 1 of the Revised Treaty;

“Region” means the area within the territory, waters or airspace of each of the States Parties pursuant to domestic law and any applicable agreement entered into by such State Party or the principles of international law;

“Regional Security System” means the organisation established by the Treaty signed at St Georges, Grenada, on 5 March 1996;

¹ Source: Caribbean Community Secretariat website at <http://www.caricomlaw.org/doc.php?id=2547>.

Original: English.

“Secretary General” means the Secretary General of the Caribbean Community;

“Security Force aircraft” means an aircraft designated by a State Party to engage in law enforcement operations or activities in support of law enforcement operations, pursuant to this Agreement, and which is clearly marked and identifiable as being on government service and authorised to that effect;

“Security Force Officials: means, in relation to a State Party, uniformed or otherwise clearly identifiable members of the Security Forces and civilian personnel, designated and duly authorised by the competent authority of the State Party to that effect;

“Security Force vessel” means a warship and other ship designated by a State Party to engage in law enforcement operations or activities in support of law enforcement operations, pursuant to this Agreement, and which is clearly marked and identifiable as being on government service and authorised to that effect;

“suspect aircraft” means an aircraft used for commercial or private purposes in respect of which there are reasonable grounds to suspect that it is engaged in any activity likely to compromise the security of the Region or of any State Party;

“suspect vessel” means a vessel used for commercial or private purposes in respect of which there are reasonable grounds to suspect that it is engaged in any activity likely to compromise the security of the Region or of any state Party and includes a vessel without nationality and a vessel assimilated to a ship without nationality;

“Treaty on Security assistance” means the Treaty on Security Assistance Among CARICOM Member States which entered into force on 6 July 2006; and

“waters of a State Party” means the territorial sea and, where applicable, the archipelagic waters of that Party, but does not include the internal waters of a State Party.

2. An activity is likely to compromise the security of a State Party or the Region if it involves-
 - (a) illicit trafficking in narcotic drugs, psychotropic substances, arms and ammunition or persons;
 - (b) an act of terrorism;
 - (c) a threat to national security;
 - (d) smuggling;
 - (e) illegal immigration;
 - (f) serious or potentially serious pollution of the environment;
 - (g) injury or potential injury to off-shore installations; or
 - (h) piracy hijacking and other serious crimes.

Article 2 Objective

1. The objectives of this Agreement are to:
 - (a) Promote cooperation among the States Parties to enable them to conduct such law enforcement operations as may be necessary to address more effectively their own security as well as the security of the Region, consistent with their available law enforcement resources and related priorities, and in conformity with international law and applicable agreements; and
 - (b) Maintain and develop the individual and collective capacity of States Parties through mutual assistance and self help.
2. For the purposes of paragraph 1, law enforcement operations may relate to, inter alia-
 - (a) The prevention, interdiction and investigation of illicit trafficking in narcotic drugs, psychotropic substances, arms and ammunition and persons;
 - (b) Combating terrorism and other threats to national security;

- (c) The prevention of smuggling;
- (d) Threats to security as a result of natural and other disasters;
- (e) Immigration and pollution control;
- (f) The protection of off-shore installations; and
- (g) The prevention of piracy, hijacking and other serious crime.

Article 3
Scope of Agreement

1. Without prejudice to existing and future arrangements for ensuring the security of the Region, the States Parties shall safeguard the security of the Region and by extension their own security, by ensuring that—
 - (a) Suspect vessels and suspect aircraft are detected, identified, continuously monitored; and
 - (b) Where evidence of involvement in any activity likely to compromise the security of the Region or of any State Party is found, that suspect vessels and suspect aircraft are detained for appropriate law enforcement action by the responsible law enforcement authorities.
2. Law enforcement operations to address any activity likely to compromise the security of the Region or of any State Party pursuant to this Agreement shall be carried out only against suspect vessels and suspect aircraft.
3. Except as expressly provided herein, this Agreement does not—
 - (a) Apply to or limit boardings of vessels, conducted in accordance with international law, by officials of any State Party, whether based, inter alia, on the right of visit, the rendering of assistance to persons, vessels, and property in distress or peril, the consent of the vessel master, or an authorisation from the flag State; or
 - (b) Modify the general international law with respect to the use of force against civil aircraft in flight as reflected in the International Convention on Civil Aviation, adopted at Chicago, 7 December 1944.
4. The States Parties shall carry out their obligations and responsibilities under this Agreement in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 4
Operations in the Territory, Airspace and Waters of a State Party

Operations in the territory, airspace or waters of a State Party to address any activity likely to compromise the security of that State Party are the responsibility of, and subject to the sovereign authority of that State Party.

Article 5
Nationality of Vessels and Aircraft

1. For the purpose of this Agreement, a vessel or aircraft has the nationality of the State whose flag it is entitled to fly or in which the vessel or aircraft is registered, in accordance with domestic laws and regulations.
2. Requests for verification of nationality of vessels claiming registration in, or entitlement to fly the flag of one of the States Parties, shall be processed through the competent authority of the claimed flag State Party.
3. A request may be conveyed orally but shall later be confirmed by written communication, containing, if applicable—
 - (a) The name and registration number of the vessel;
 - (b) Homeport;
 - (c) Port of origin and destination;
 - (d) The geographic position of the vessel;
 - (e) Grounds for suspicion; and

- (f) Any other identifying information.
4. Requests for verification of nationality shall be answered expeditiously and all efforts shall be made to provide such answer as soon as possible, but in any event within two (2) hours after receipt of the request.
 5. If the claimed flag State Party refutes the claim of nationality made by the suspect vessel, then the State Party that requested verification may assimilate the suspect vessel to a ship without nationality in accordance with international law.

Article 6
Designation of Security Force Officials

1. Each State Party shall—
 - (a) Designate Security Force Officials for the purposes of this Agreement; and
 - (b) Advise the Secretary General of each such designation and the Secretary General shall notify each State Party accordingly.
2. Nothing in paragraph 1 prevents the designation of security force officials of a regional security force established pursuant to an Agreement involving two or more States Parties but not including any State that is not a Member State.
3. Security Force Officials of a State Party shall where appropriate have authority to—
 - (a) Patrol the waters and airspace of another State Party in accordance with article 7;
 - (b) Conduct law enforcement operations in the waters or airspace of another State Party in accordance with article 8.
 - (c) Embark the Security Force vessels and aircraft of another State Party;
 - (d) Enforce the laws of that State Party in that State or seaward of its territorial sea in the exercise of the right of hot pursuit or otherwise in accordance with international law;
 - (e) Authorise the Security Force vessels on which they are embarked entry into and navigation within the waters of that State Party;
 - (f) Authorise Security Force Officials of the Security Force vessels on which they are embarked to assist in the enforcement of the laws of that State Party to address any activity likely to compromise the security of the Region or of any State Party; and
 - (g) Advise and assist Security Force Officials of other States Parties in the conduct of boardings of suspect vessels to enforce the laws of the other States Parties to address any activity likely to compromise the security of the Region or of any State Party.
4. Subject to paragraph 5, where Security Force Officials are embarked on the Security Force vessel of another State Party, and the law enforcement action being carried out is pursuant to the authority of the Security Force Officials, any search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall, consistent with articles 13 and 14, be carried out by those Security Force Officials.
5. Crew members of another State Party's Security Force vessel or Security Force aircraft, including the vessels and aircraft of third States as agreed upon by the States Parties concerned, may assist in any law enforcement action referred to in paragraph 4 if—
 - (a) expressly requested to do so by the Security Force Officials and only to the extent and in the manner requested; and
 - (b) the action is consistent with the applicable laws and procedures of both States Parties.

Article 7
Routine Security Patrols

1. This Agreement constitutes permission by each State Party for the Security Force vessels and Security Force aircraft of any other State Party, on giving notice, to patrol its waters and airspace in furtherance of this Agreement.
2. A Security Force vessel or Security Force aircraft of a State Party is permitted to patrol the waters and airspace of another State Party in furtherance of this Agreement only where the Security Force vessel or Security Force aircraft, as the case may be, is under the command and control of the competent authority of the first-mentioned State Party.
3. Notwithstanding paragraph 1, a State Party reserves the right to refuse entry into its waters and airspace.
4. During the course of routine patrol pursuant to paragraph 1—
 - (a) a Security Force aircraft of a State Party shall in addition to its national marking, also display the CARICOM Standard;
 - (b) a Security Force vessel of a State Party shall in addition to its national flag also fly the CARICOM Flag;
 - (c) a Security Force aircraft of the Regional Security System shall, in addition to the marking of the System, also display the CARICOM Standard; and
 - (d) a Security Force vessel of the Regional Security System shall fly the CARICOM flag.

Article 8
Operations in Waters of a State Party

1. This Agreement constitutes permission by each State Party for any other State Party to conduct law enforcement operations in the waters of the first-mentioned State Party to address any activity likely to compromise the security of the Region or of any State Party where—
 - (a) on notification of the proposed operation, permission is granted; or
 - (b) authorised pursuant to paragraph (e) of article 6.
2. Notwithstanding paragraph 1, during the course of a routine patrol of the waters of a State Party pursuant to paragraph 1 of article 7, the Security Force Officials engaged in the patrol may, in the waters of the State Party, conduct such law enforcement operations as may be necessary to address any activity likely to compromise the security of the Region or of any State Party, where—
 - (a) A suspect vessel, detected in international waters, enters the waters of the State Party and—
 - (i) no Security Force Official of that State Party is embarked in the Security Force vessel of the State Party engaged in the patrol;
 - (ii) no Security Force vessel of that State Party is in the immediate vicinity to investigate; and
 - (iii) notice is given to the competent authority of that State Party and no objection is made by that competent authority; or
 - (b) a suspect vessel is detected within the waters of the State Party and—
 - (i) no Security Force Official of that State Party is embarked in the Security Force vessel of the State Party engaged in the patrol;
 - (ii) no Security Force vessel of that State Party is in the immediate vicinity to investigate; and
 - (iii) notice is given to the competent authority of that State Party and no objection is made by that competent authority.
3. Where the conditions set out in paragraph 2 (a) or (b) have been met, a Security Force vessel of a State Party may follow a suspect vessel into or enter, as the case may be the waters of another State Party, in order to investigate, board and search the vessel, and, if the evidence of any activity likely to compromise the security of

the Region or of any State Party is found, detain the vessel, cargo, and persons on board pending expeditious instructions from the competent authority of the State Party in whose waters the vessel entered or is detected.

4. A State Party shall, without delay, provide prior notice to the competent authority of action to be taken under paragraph 3.

5. Notwithstanding foregoing paragraphs of this article, a State Party reserves the right to refuse the exercise of any power pursuant to paragraph 2.

Article 9 Operations in International Waters

1. Where the Security Force Officials of a State Party (“the requesting State Party”) encounter a suspect vessel claiming nationality of another State Party (“the requested State Party”) located seaward of any State’s territorial sea, the requesting State party may request the competent authority of the requested State Party to--

(a) Verify the claim of nationality by the suspect vessel; and

(b) Where such claim is verified to—

(i) Authorise the boarding and search of the suspect vessel, cargo and the persons found on board by Security Force Officials of the requesting State Party; and

(ii) If evidence of any activity likely to compromise the security of the Region or of any State Party is found, authorise the Security Force Officials of the requesting State Party to detain the vessel, cargo and persons on board pending instructions from the competent authority of the requested State Party as to the exercise of jurisdiction in accordance with article 11.

2. Where nationality is verified, the requested State Party may--

(a) Decide to conduct the boarding and search with its own Security Force Officials;

(b) Authorise the boarding and search by the Security Force Officials of the requesting State Party;

(c) Decide to conduct the boarding and search together with the requesting Party; or

(d) Deny permission to board and search.

3. If the nationality is not verified within two (2) hours, the requested State Party may, notwithstanding, authorise Security Force Officials of the requesting State Party to board and search the vessel.

4. Where there is no response from the requested State Party within two (2) hours of its receipt of the request—

(a) The requested State Party shall be deemed to have refuted the claim of the suspect vessel to nationality; and

(b) The requesting State Party shall be deemed to have been authorised to board the suspect vessel for the purpose of inspecting the vessel’s documents, questioning the persons on board, and searching the vessel to determine if it is engaged in any activity likely to compromise the security of the Region or of any State Party.

5. Where evidence of any activity likely to compromise the security of the Region or of any State Party is found, the Security Force Officials of the first Party may detain the vessel, cargo and persons on board pending expeditious disposition instructions from the other State Party.

6. Notwithstanding the foregoing paragraphs of this article, this Agreement authorises the Security Force Officials of a State Party (“the first State Party”) to board a suspect vessel claiming nationality in another State Party for the purpose of locating and examining the vessel’s documentation where that vessel is--

(a) Not flying the flag of that other State Party;

(b) Not displaying any marks of its registration or nationality; and

(c) Claiming to have no documentation on board the vessel.

7. Where pursuant to action under paragraph 6--

- (a) Documentation or other physical evidence of nationality is located, the foregoing paragraphs of this article apply;
 - (b) No documentation or other physical evidence of nationality is available, the other State Party shall not object to the first State Party assimilating the vessel to a ship without nationality in accordance with international law.
8. The authorisation to board, search and detain includes the authority to use force in accordance with article 14.
9. The Security Force vessels of a State Party operating pursuant to this article shall, during such operations, also fly the CARICOM flag.

Article 10
Airspace Operations and Procedures

1. Subject to the right to expressly object at any time, this Agreement constitutes permission by a State Party for the Security Force aircraft of any other State Party to operate within the airspace of the first-mentioned State Party.
2. Subject to standard operational protocols that may be elaborated by the States Parties, a State Party shall, in the interest of flight safety, observe the procedures set out in paragraphs 3 to 6 for facilitating flights within the airspace of another State Party by its Security Force aircraft.
3. In the case of planned bilateral or multilateral operations duly agreed by the States Parties concerned, the State Party seeking to overfly shall provide adequate and timely notification to the appropriate aviation authority of the other State Party of planned flights by its aircraft in the airspace of that other State Party.
4. In the case of unplanned operations, which may include the pursuit of suspect aircraft into the airspace of another State Party pursuant to this Agreement, the aviation or other competent authorities of the States Parties concerned shall exchange information concerning the appropriate communications channels and other information pertinent to flight safety.
5. A Security Force aircraft engaged in operations pursuant to this Agreement shall comply with--
- (a) Such air navigation and flight safety rules as may be required by the aviation authorities of a State Party; and
 - (b) Any written operating procedures developed for flight operations within its airspace under this Agreement.
6. A Security Force aircraft of another State Party may relay the orders of the aviation or other competent authorities of a State Party to suspect aircraft to land in the territory of that State Party.

Article 11
Jurisdiction over Detained Vessels

1. Subject to paragraph 2, in all cases arising in the waters of a State Party or concerning a flag vessel of a State Party located seaward of any State's territorial sea, that State Party shall have the primary right to exercise jurisdiction over a detained vessel, cargo and/or persons on board (including seizure, forfeiture, arrest, and prosecution).
2. Notwithstanding paragraph 1, the State Party with the right to exercise primary jurisdiction may, subject to its laws, waive its primary right to exercise jurisdiction and authorise the enforcement of another State Party's law against the vessel, cargo and/or persons on board.
3. In cases arising in the contiguous zone claimed by a State Party, the State Party which conducts the boarding and search shall have the right to exercise jurisdiction, except in cases involving suspect vessels fleeing from the waters of that State Party or suspect vessels claiming the nationality of that State Party.
4. Instructions as to the exercise of jurisdiction pursuant to the foregoing paragraphs of this article shall be given without delay.

5. Where permitted by its laws, waiver of jurisdiction may be granted verbally, but as soon as possible it shall be recorded in a written note from the competent authority and be processed, without prejudice to the immediate exercise of jurisdiction over the suspect vessel by the other State Party.

Article 12

Exchange of Information and Notification of Results of Actions of the Security Forces

1. The competent authorities of States Parties shall, through such regional entity as may be agreed by the States Parties, exchange operational information on the detection and location of a suspect vessel or suspect aircraft and shall maintain communication with each other as necessary to give effect to this Agreement.
2. The Security Force Officials of a State Party which has conducted a boarding and search pursuant to this Agreement shall promptly notify the competent authority of the other State Party of the results thereof.
3. Each State Party shall, in a timely manner and in accordance with its laws, report to other relevant States Parties, actions and processes resulting from its application of this Agreement on the status of all relevant investigations, prosecutions and judicial proceedings.

Article 13

Authority and Conduct of Security Force Officials

1. Each State Party shall take such measures as may be necessary under its law to ensure that Security Force Officials of other States Parties, when conducting law enforcement operations in its water under this Agreement, are deemed to have like powers to those of its Security Force Officials.
2. Each State Party shall take appropriate measures to ensure that its Security Force Officials and the Security Force Officials of another State Party acting on its behalf, are empowered to exercise the authority of Security Force Officials as conferred by this Agreement.
3. Each State Party shall ensure that its Security Force Officials, when conducting boardings and searches pursuant to this Agreement, act in accordance with applicable national laws and policies of the other State Party, international law and accepted international practices.
4. Security Force Officials shall carry out boardings and searches pursuant to this Agreement, and may be assisted by crew members from such vessels and aircraft, including the vessels and aircraft of third States as agreed.
5. Security Force Officials carrying out boarding and search pursuant to this Agreement may operate from--
 - (a) Security Force vessels or Security Force aircraft of the States Parties; or
 - (b) Vessels or aircraft of third States which are under the command and control of the Security Force Officials.
6. Security Force Officials carrying out boarding and search pursuant to this Agreement may carry arms.
7. When conducting a boarding and search, Security Force Officials shall observe norms of courtesy, respect and consideration for the persons on board the suspect vessel and shall not--
 - (a) Endanger the safety of life at sea or the security of the suspect vessel and its cargo; or
 - (b) Prejudice the commercial and legal interests of the flag State or any other interested State.
8. While conducting air intercept activities pursuant to this Agreement, Security Force Officials shall not endanger the lives of persons on board and the safety of civil aircraft in flight.

Article 14

Use of Force

1. The use of force pursuant to this Agreement shall in all cases be--
 - (a) In strict accordance with the applicable laws and policies; and
 - (b) The minimum reasonably necessary under the circumstances.
2. Notwithstanding paragraph 1, a State Party shall not use force against civil aircraft in flight.

3. Nothing in this Agreement shall impair the exercise of the inherent right of self-defence by Security Force or other officials of a State Party.

Article 15

Exchange and Knowledge of Law and Policies of States Parties

1. To facilitate implementation of this Agreement, each State Party shall ensure that the other States Parties are fully informed of its applicable laws and policies, particularly those pertaining to the use of force.

2. Each Party shall ensure that all of its Security Force Officials are made aware of the applicable laws and policies in accordance with this Agreement.

Article 16

Points of Contact

1. In designating the competent authorities and Security Force Officials that exercise responsibilities under this Agreement, each State Party shall identify points of contact for the purposes of, inter alia, disposition and jurisdiction instructions, notifications, and requests.

2. Each State Party shall inform the Secretary General of the points of contact and of any changes thereto.

3. The Secretary General shall promptly inform each State Party of the information received pursuant to paragraph 2.

4. States Parties shall ensure that the points of contact have the capability to receive, process and respond to requests and reports at any time.

Article 17

Disposition of Seized Property

1. Assets seized pursuant to this Agreement in consequence of operations undertaken on board vessels--

- (a) Subject to the jurisdiction of a State Party; or
- (b) In the territory or waters of a State Party,

shall be disposed of in accordance with the laws of that State Party.

2. Assets seized pursuant to this Agreement seaward of the territorial sea of a State shall be disposed of--

- (a) In accordance with such formula to be agreed by the States Parties; and
- (b) In the absence of such formula, in accordance with the laws of the seizing State Party.

Article 18

Claims

1. Except as otherwise agreed, a State Party shall--

- (a) not institute any legal proceedings against another State Party or its Security Force Officials or other legal entities acting on its behalf;
- (b) deal with legal proceedings and claims brought by third Parties against another State Party or its Security Force Officials or other legal entities acting on its behalf, and
- (c) compensate a State Party conducting operations or its Security Force Officials or other legal entities acting on its behalf.

in respect of death or injury to any such Security Force Official, damage to or loss of equipment or property, or damage to the environment arising within the territory or other area under its jurisdiction or control in the course of the conduct of operations pursuant to this Agreement.

2. If any loss, damage, injury or death is suffered as a result of any—

- (a) Action taken by the Security Force Officials of a State Party in contravention of this Agreement; or
- (b) Improper or unreasonable action taken by a State Party pursuant to this Agreement,

the States Parties concerned shall, without prejudice to any other legal rights which may be available, consult at the request of either State Party to resolve the matter and decide any questions relating to compensation or payment.

Article 19
Tax Exemption

The movement of Security Force vessels and Security Force aircraft of a State Party in the waters or airspace of another State Party, and the payment for the use by them of public ports, harbours and airfields shall not be subject to any local taxes, fees or other charges, provided that reasonable amounts shall be paid for services and materials requested and received in connection with the use of local ports, harbours and airfields.

Article 20
Effect on Rights, Privileges and Legal Positions

Nothing in this Agreement--

- (a) Is intended to alter the rights and privileges of any individual in any administrative or judicial proceeding;
- (b) Alters the immunities to which vessels and aircraft are entitled under international law; or
- (c) Shall—
 - (i) Prejudice the position of a State Party with regard to international law;
 - (ii) Affect the territorial or maritime boundaries or claims to territory or maritime boundaries of a State Party, as between them or with third States; or
 - (iii) Constitute a precedent from which rights can be derived.

Article 21
Cooperation and Assistance

1. The competent authority of a State Party may request, and the competent authority of the other Party may authorise, Security Force Officials to provide technical assistance, such as specialised assistance in the conduct of search of suspect vessels, for the boarding and search of suspect vessels located in the territory or waters of the requesting Party.
2. Nothing in this Agreement precludes—
 - (a) A State party from authorising another State Party to—
 - (i) Address any activity likely to compromise the security of the Region or of any State Party in its territory, waters or airspace;
 - (ii) Take action involving suspect vessels or aircraft claiming its nationality; or
 - (iii) Provide other forms of cooperation to address any activity likely to compromise the security of the Region or of any State Party; or
 - (b) The members of the Regional Security System from furthering the objectives of this Agreement through that System.
3. Nothing in this Agreement precludes a State Party from requesting the assistance of a third State in acquiring and developing sufficient technical and material resources to carry out the object and purpose of this Agreement.

Article 22
Implementation

1. Each State Party shall take all necessary measures, including legislative and administrative measures, to ensure the effective implementation of this Agreement.
2. States Parties may conclude bilateral and multilateral agreements with one another on the matters contemplated by this Agreement for the purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

Article 23
Disputes and Consultations

1. Where a dispute arises between two or more States Parties from the interpretation, application or implementation of this Agreement, the States Parties shall consult with a view to the settlement of the dispute by negotiation, inquiry, mediation, conciliation, recourse to any competent regional judicial body or other peaceful means of their choice.
2. The States Parties agree to consult as necessary to evaluate the implementation of this Agreement and to consider enhancing its effectiveness.
3. The evaluation referred to in paragraph 2 shall be carried out at least once every two years.
4. In case a difficulty arises concerning the operation of this Agreement, a State Party may request consultations with the other State Party concerned to resolve the matter.

Article 24
Relationship to Other Agreements

1. Nothing in this Agreement shall alter or affect in any way the rights and obligations of a State Party which arise from agreements in force between it and any other State Party on the same subject.
2. This Agreement does not affect and shall not be construed as affecting the rights and obligations under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

Article 25
Depositary

This Agreement, any amendment thereof, instruments of accession and ratification shall be deposited with the Secretary General (the depositary) who shall forward certified true copies thereof to all States Parties.

Article 26
Signature and Ratification

1. This Agreement shall be open for signature by all Member States.
2. This Agreement shall be subject to ratification by the signatory States in accordance with their respective constitutional procedures.

Article 27
Entry into Force

This Agreement shall enter into force 60 days after the deposit of the third instrument of ratification.

Article 28
Amendment

1. This Agreement may be amended by the States Parties.
2. Every amendment shall be subject to ratification by the States Parties and shall enter into force 30 days after the deposit of the last instrument of ratification.

Article 29
Accession

1. After the entry into force of this Agreement, a Member State may accede to this Agreement.
2. Instruments of Accession shall be deposited with the Depositary who shall forward copies of the instruments to each State Party notifying them of the dates of deposit of the instruments.
3. Instruments of Accession shall take effect 30 days following the deposit of the instrument of accession with the Depositary.

Article 30
Reservation

1. Subject to paragraph 2, a Member State may, at the time of signature or when depositing its instrument of ratification or accession, declare any reservation to this Agreement of which it avails itself.
2. A reservation which is incompatible with the object and purpose of this Agreement shall not be permitted.
3. The Depositary shall circulate to the States Parties the text of any reservations made by a State.
4. Subject to paragraph 5, a State Party which has made a reservation in respect of a provision of this Agreement may not claim the application of that provision by any other State Party.
5. Where a reservation made by a State Party in respect of a provision of this Agreement is partial or conditional, that State Party may claim the application of the provision in so far as it has itself accepted it.
6. A State Party which has made a reservation under paragraph 1 may wholly or partly withdraw it by means of a notification addressed to the Depositary.
7. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.
8. The Depositary shall promptly inform each State Party of every notification received pursuant to paragraph 6.

Article 31
Withdrawal

1. A State Party may withdraw from this Agreement at any time by written notification to the Depositary.
2. The Depositary shall promptly notify the other States Parties of the receipt of the notification.
3. The withdrawal shall take effect 90 days after the date of receipt of the notification by the Depositary, unless the State Party notifies the Depositary in writing of the cancellation of its notice of withdrawal before the effective date of the withdrawal.
4. This Agreement shall continue to apply after withdrawal of a State Party with respect to any administrative or judicial proceedings regarding actions that occurred during the time the Agreement was in force.

In Witness Whereof the under-mentioned representatives duly authorised in that behalf have executed this Agreement for their respective Governments.

D. Communications by States

Note from the Government of Spain addressed to the Secretary-General of the United Nations,
of 10 September 2008, regarding the declaration by Morocco upon ratification
of the Convention on the Law of the Sea

“Spain would like to make the following declarations in respect of the declaration made by Morocco on 31 May 2007 upon its ratification of the United Nations Convention on the Law of the Sea:

“(I) The autonomous cities of Ceuta and Melilla, the Peñón de Alhucemas, the Peñón Vélez de la Gomera, and the Chafarinas Islands are an integral part of the Kingdom of Spain, which exercises full and total sovereignty over said territories, as well as their marine areas, in accordance with the United Nations Convention on the Law of the Sea.

“(ii) The Moroccan laws and regulations on marine areas are not opposable to Spain except insofar as they are compatible with the United Nations Convention on the Law of the Sea, nor do they have any effect on the sovereign rights or jurisdiction that Spain exercises, or may exercise, over its own marine areas, as defined in accordance with the Convention and other applicable international provisions.”

III. OTHER INFORMATION

Resolution 63/2Outcome document of the midterm review of the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries

Resolution adopted by the General Assembly
[without reference to a Main Committee (A/63/L.3)]

The General Assembly,

Recalling its resolution 62/204 of 19 December 2007, in particular paragraph 11 thereof,

Adopts the following outcome document:

**Declaration of the high-level meeting
of the sixty-third session of the General Assembly
on the midterm review of the Almaty Programme of Action**

We, the Ministers and heads of delegations participating in the high-level plenary meeting of the General Assembly on the midterm review of the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries,¹ held in New York on 2 and 3 October 2008,

Recalling the United Nations Millennium Declaration,² in which Heads of State and Government recognized the particular needs and problems of landlocked developing countries and urged both bilateral and multilateral donors to increase financial and technical assistance to that group of countries to meet their particular development needs and to help them to overcome the impediments of geography by improving their transit transport systems, and resolved to create an environment, at the national and global levels alike, that is conducive to development and to the eradication of poverty,

Reaffirming our commitment to urgently addressing the special development needs of and challenges faced by the landlocked developing countries through the full, timely and effective implementation of the Almaty Programme of Action, as called for in the 2005 World Summit Outcome,³

Also reaffirming that the Almaty Programme of Action constitutes a fundamental framework for genuine partnerships

¹ *Report of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation, Almaty, Kazakhstan, 28 and 29 August 2003 (A/CONF.202/3), annex I.*

² See resolution 55/2.

³ See resolution 60/1.

between landlocked and transit developing countries and their development partners at the national, bilateral, subregional, regional and global levels,

Recognizing that the primary responsibility for establishing effective transit systems rests with the landlocked and transit developing countries, which need to seek to create conditions in which resources can be generated, attracted and effectively mobilized to address their development challenges, but that their efforts need to be given continued international support by the development partners and international and regional organizations in a spirit of shared responsibility, including South-South cooperation and triangular cooperation, and taking into account regional integration agreements,

Also recognizing that the private sector is an important stakeholder, whose contribution to the development of infrastructure and productive capacity should be increased, including through public-private partnerships,

Further recognizing that cooperation between landlocked and transit developing countries results in better transit transport systems. This cooperation must be promoted on the basis of the mutual interest of both landlocked and transit developing countries,

Reaffirming the right of access of landlocked countries to and from the sea and freedom of transit through the territory of transit countries by all means of transport, in accordance with applicable rules of international law,

Also reaffirming that transit countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for landlocked countries in no way infringe upon their legitimate interests,

Expressing support to those landlocked developing countries that are emerging from conflict, with a view to enabling them to rehabilitate and reconstruct, as appropriate, their political, social and economic infrastructure and assisting them in achieving their development priorities in accordance with the goals and targets of the Almaty Programme of Action, as well as the Millennium Development Goals,

Taking note of the outcome documents of the Thematic Meeting on Transit Transport Infrastructure Development, held in Ouagadougou from 18 to 20 June 2007,⁴ and of the Thematic Meeting on International Trade and Trade Facilitation, held in Ulaanbaatar on 30 and 31 August 2007,⁵

Also taking note of the respective outcome documents of the regional review meeting for Asia and Europe, held in Bangkok on 22 and 23 April 2008, the regional review meeting for Africa, held in

⁴ A/62/256 and Corr.1, annexes I and II.

⁵ A/C.2/62/4, annexes I and II.

Addis Ababa from 18 to 20 June 2008, and the regional review meeting for Latin America, held in Buenos Aires on 30 June 2008,⁶

1. *Reaffirm* the commitment made in the Almaty Programme of Action to address the special needs of the landlocked developing countries, taking into account the challenges confronted by their transit developing neighbours, through measures identified in the five priorities of the Programme of Action;¹

General assessment

2. *Acknowledge* that despite persisting problems, landlocked developing countries, as a group, have achieved some progress in their overall economic development and growth. They have recorded increased growth rates of gross domestic product and foreign direct investment in the past five years; and exports have surged, particularly for oil and other mineral resources;

3. *Express concern* that the economic growth and social well-being of landlocked developing countries remain very vulnerable to external shocks as well as the multiple challenges the international community faces;

4. *Acknowledge* that landlocked and transit developing countries, with the support of their development partners, have registered some progress in implementing the specific actions agreed upon in the Almaty Programme of Action. Landlocked and transit developing countries in Africa, Asia, Europe and Latin America have strengthened their policy and governance reform efforts. Donor countries, financial and development institutions and international and regional organizations have paid greater attention to the establishment of efficient transit systems;

5. *Recognize* that, although the difficulties of being landlocked permeate every aspect of the development process and poverty eradication, their negative impact on external trade is particularly severe. While some progress, even though uneven, has been made, landlocked developing countries continue to be marginalized from international trade, which prevents them from fully using trade as an instrument for achieving their development goals;

6. *Stress* that the higher cost of moving goods across borders for landlocked developing countries puts their products at a competitive disadvantage and discourages foreign investment, and that landlocked developing countries continue to face challenges in their efforts to establish efficient transit transport systems, such as inadequate transport infrastructure, insufficient carrying capacity at ports, port and customs clearance delays, transit dependence, fees and obstacles owing to cumbersome customs procedures and other regulatory constraints, an underdeveloped logistics sector, weak legal and institutional arrangements, as well as costly bank transactions. Also, in most cases, the transit neighbours of landlocked developing

⁶ Available from www.unohrrls.org/en/lldc/673/.

countries are themselves developing countries, often of broadly similar economic structure and beset by similar scarcities of resources. These challenges need to be urgently addressed through acceleration of the implementation of the specific actions under each of the priorities laid out in the Almaty Programme of Action;

Fundamental transit policy issues

7. *Welcome* the efforts made by many landlocked and transit developing countries to reform their administrative, legal and macroeconomic policies on the basis of an integrated approach to trade and transport. Reform measures have included the liberalization of transit and transport services, accession to relevant international conventions, the establishment of regional intermodal transport corridors and the development of transparent, streamlined and common rules and standards that have strengthened private and public sector dialogue to address the bottlenecks that exist at different segments of transit services. Continued efforts need to be made to ensure the effective implementation of those positive reforms and to ensure that transport strategies and programmes, particularly where they involve the regulation of transport operations or the construction of major new infrastructure, take full account of environmental aspects and development needs to ensure sustainable development at the local and global levels. The international community, including financial and development institutions and donor countries, should provide greater assistance to landlocked and transit developing countries in this regard;

8. *Recognize* the important role of regional cooperation and integration involving landlocked developing countries and their transit neighbours for the effective and integrated solution to cross-border trade and transit transport problems. In this context, we particularly welcome regional initiatives aimed at promoting the development of regional rail and road transit transport networks, such as the agreements on the Asian Highway and Trans-Asian Railway, the New Partnership for Africa's Development Short-term Action Plan on Infrastructure, the Sub-Saharan Africa Transport Policy Programme, the Initiative for the Integration of Regional Infrastructure in South America, the Transport Corridor Europe-Caucasus-Asia, the Africa Infrastructure Country Diagnostic study for infrastructure development in Africa and the Infrastructure Consortium for Africa;

9. *Also recognize* that international conventions on transport and transit, as well as the regional, subregional and bilateral agreements ratified by landlocked and transit developing countries are the main vehicles by which the harmonization, simplification and standardization of rules and documentation can be achieved. We encourage both landlocked developing countries and transit developing countries to effectively implement the provisions of those conventions and agreements;

Transit transport infrastructure development and maintenance

10. *Acknowledge* that, in spite of some improvement in the development of the transit transport infrastructure in landlocked developing countries, inadequate and deteriorating physical infrastructure in rail transport, road transport, ports, inland waterways, pipelines, air transport, and information and communications technology in many landlocked developing countries, along with few harmonized rules and procedures, little cross-border investment and private-sector participation, are the major obstacles to developing viable and predictable transit transport systems. Physical links of landlocked developing countries to the regional transport infrastructure network fall well short of expectations. Missing links are a major problem and need to be addressed urgently;

11. *Recognize* that the construction of transit transport infrastructure, especially the missing links to complete regional networks, and the improvement and maintenance of existing facilities play a key role in the process to achieve the internationally agreed development goals, including the Millennium Development Goals;

12. *Encourage* landlocked and transit developing countries to allocate a greater share of public investment to the development and maintenance of infrastructure supported by, as appropriate, financial assistance and investment from donors, international financial institutions and development assistance agencies. We note that private sector participation should also be encouraged in this regard;

13. *Emphasize* that the development and improvement of transit transport facilities and services should be integrated into the overall development strategies of the landlocked and transit developing countries and that donor countries should consequently take into account the requirements for the long-term restructuring of the economies of the landlocked developing countries;

International trade and trade facilitation

14. *Note* that some progress, although limited and uneven, has been achieved by landlocked developing countries in the area of international trade;

15. *Express concern* that the share of world merchandise trade of landlocked developing countries has remained small. Most landlocked developing countries are still dependent on the export of a limited number of commodities. Their continued marginalization from the international trading system prevents them from fully using trade as an instrument for achieving the Millennium Development Goals;

16. *Note with concern* that approximately one third of all landlocked developing countries are still outside the rules-based multilateral trading system. Therefore, we stress that the accession of landlocked and transit developing countries to the World Trade Organization should be further accelerated. In this respect, the accession process for landlocked and transit developing countries should take into account their individual level of development,

including the special needs and problems caused by geographical disadvantage. The development partners should provide assistance in this matter;

17. *Recognize* that one of the main causes of the marginalization of landlocked developing countries from the international trading system is high trade transaction costs. Therefore, we stress the need for the current negotiations on market access for agricultural and non-agricultural goods to consider giving particular attention to products of special interest to landlocked developing countries;

18. *Reaffirm* that, in accordance with the commitments contained in the Doha Ministerial Declaration,⁷ in particular paragraphs 13 and 16 thereof, and the rules of the World Trade Organization, current trade negotiations should give full attention to the needs and interests of developing countries, including landlocked and transit developing countries;

19. *Note* that ongoing World Trade Organization negotiations on trade facilitation, particularly on the relevant articles of the General Agreement on Tariffs and Trade, such as article V on freedom of transit, article VIII on fees and formalities, and article X on transparency, as per the modalities contained in annex D to the decision of the General Council of the World Trade Organization of 1 August 2004,⁸ are particularly important for landlocked developing countries to gain a more efficient flow of goods and services as well as the improved international competitiveness that result from lower transaction costs. In this context, technical assistance should be provided to developing countries, in particular, to landlocked developing countries;

20. *Recognize* that some progress has been reached on coordination of border crossings, infrastructure investment, facilities for the storing of merchandise, normative frameworks and other facilities that benefit both landlocked and transit developing countries;

21. *Acknowledge*, however, that a large number of bottlenecks related to trade facilitation persist in many landlocked and transit developing countries. Those bottlenecks need to be urgently addressed. They include: an excessive number of documents required for export/import; the multiplication of scheduled and unscheduled roadblocks; lack of adjacent border controls; unnecessary customs convoys; complicated and non-standardized procedures for customs clearance and inspection; an insufficient application of information and communications technology; non-transparency of trade and customs laws, regulations and procedures; lack of institutional capacities and trained human resources; underdeveloped logistics services; lack of interoperability of transport systems and absence of competition in the transit transport services sector; slow progress in establishing or strengthening national trade and transport facilitation

⁷ A/C.2/56/7, annex.

⁸ World Trade Organization, document WT/L/579. Available from <http://docsonline.wto.org>.

committees; and a low level of adherence to international conventions on transit transport;

International support measures

22. *Acknowledge* the increase in development assistance and debt relief measures in favour of landlocked developing countries. However, we note that much of the official development assistance goes to emergency and food aid. The allocation of development assistance to transport, storage and communications has not changed over the past five years, whereas the need for increased financial support for the construction and maintenance of infrastructure remains valid and urgent. In spite of enhanced Heavily Indebted Poor Countries and Multilateral Debt Relief Initiatives, which have provided debt relief to several landlocked and transit developing countries, the debt burden remains high for many of those countries;

23. *Stress* the need to attract private investment, including foreign direct investment. Private sector participation through co-financing can play a catalytic role in this regard. We recall that notwithstanding the increase of flows in foreign direct investment, private sector involvement in infrastructure development still has a considerable potential;

24. *Acknowledge* the increased attention and resources devoted by the United Nations system and international organizations to the challenges facing landlocked and transit developing countries. We recognize with appreciation the progress made towards developing effective monitoring mechanisms to measure the progress in implementation of the Almaty Programme of Action. We appreciate the work undertaken by the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States on a set of macroeconomic, trade and transport indicators, by the Economic and Social Commission for Asia and the Pacific on the time/cost methodology and the World Bank with its Logistics Performance Index and the Doing Business indicators that provide quantifiable data to measure the progress, and emphasize that these efforts should be pursued further;

Future actions to accelerate the implementation of the Almaty Programme of Action

25. *Call upon* landlocked and transit developing countries to undertake the following measures to speed up the implementation of the Almaty Programme of Action:

(a) Promote the learning of lessons from existing regional infrastructure initiatives that aim to encourage integrated cross-border infrastructure investment;

(b) Further strengthen the legal framework governing transit transport operations, including through full and effective implementation of bilateral, subregional and regional agreements;

(c) Promote inter-railway cooperation with a view to facilitating the operation of through trains;

(d) Facilitate road transit operations by harmonizing road transit charges, vehicle dimensions, axle load limits and gross vehicle mass, third-party motor insurance schemes and contracts of carriage of goods by road;

(e) Effectively implement trade facilitation measures, including the implementation of regional customs transit schemes, the reduction/minimization of the number of trade and transport documents, the harmonization of working hours at national borders, the publication of transit formalities and fees and charges, inter-agency coordination of border control services and the establishment of port communities and promotion of their effective operation;

(f) Consider the possibility of negotiating and granting duty-free zones at maritime ports, where this has not been done;

(g) Make efforts towards eliminating the practice of customs convoys. For this purpose, negotiate mutually beneficial arrangements to introduce a system of approved secure vehicles for transit operations and, where escort is warranted, arrange daily customs escorts;

(h) Take appropriate and effective measures to monitor control agents on road transport corridors in order to reduce roadblocks. In this context, the regional commissions should assist transit developing countries in addressing the issue of diversion of transit goods to domestic markets;

(i) Improve border infrastructure facilities and introduce a one-window/one-stop border system along with necessary capacity-building programmes;

(j) Make full use of available information and communications technology in order to enhance trade facilitation and to facilitate information sharing between and among transport and trade stakeholders;

(k) Widen and deepen public and private sector cooperation and collaboration and, in this context, expand platforms for public-private sector dialogue, such as trade and transport facilitation committees or corridor management committees;

(l) Mobilize adequate investment from all sources, including the private sector, for the development and maintenance of transport networks, as well as the construction of missing links;

(m) Where appropriate, use mutually beneficial public-private partnerships for securing additional financial resources and modern technological and management systems;

(n) Keep abreast of changing technologies and management systems which have an impact on trade and transport. In this context, the expansion of container capacity is urgent in many maritime ports;

(o) Consider designating a focal point who would be responsible for the implementation of the Almaty Programme of Action and its coordination at the national level;

26. *Welcome* the proposal to set up in Ulaanbaatar an international think tank to enhance the analytical capability of landlocked developing countries needed to maximize the efficiency of our coordinated efforts for the effective implementation of the internationally agreed provisions, particularly the Almaty Programme of Action and the Millennium Development Goals. For this purpose, we urge international organizations and donor countries to assist them in realizing this initiative;

27. *Call upon* donors and the multilateral, regional, financial and development institutions to provide landlocked and transit developing countries with appropriate, substantial and better coordinated technical and financial assistance, particularly in the form of grants or concessionary loans, for the implementation of the Almaty Programme of Action, in particular for the construction, maintenance and improvement of their transport, storage and other transit-related facilities, including alternative routes and improved communications, to promote subregional, regional and interregional projects and programmes;

28. *Call upon* the development partners to effectively operationalize the Aid for Trade Initiative so as to support trade facilitation measures and trade-related technical assistance, as well as the diversification of export products through the development of small and medium-sized enterprises and private sector involvement in landlocked developing countries;

29. *Encourage* the international community to enhance efforts to facilitate access to and encourage the transfer of technologies related to transit transport systems, including information and communications technology;

30. *Also encourage* the further strengthening of South-South cooperation and triangular cooperation with the involvement of donors, as well as cooperation among subregional and regional organizations in support of landlocked and transit developing countries towards the full and effective implementation of the Almaty Programme of Action;

31. *Call upon* the relevant organizations of the United Nations system, the regional commissions, the United Nations Development Programme and the United Nations Conference on Trade and Development, and invite other international organizations, including the World Bank, the regional development banks, the World Customs Organization, the World Trade Organization, regional economic integration organizations and other relevant regional and subregional organizations, to further integrate the Almaty Programme of Action into their relevant programmes of work, taking into account the midterm review, and encourage them to continue, as appropriate, within their respective mandates, their support to the landlocked and transit developing countries, inter alia, through well-coordinated and coherent technical assistance programmes in transit transport and trade facilitation. In particular, we:

(a) Encourage the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States to continue

to ensure coordinated follow-up and effective monitoring and reporting on the implementation of the Almaty Programme of Action, in line with General Assembly resolution 57/270 B of 23 June 2003, to step up its advocacy efforts to raise international awareness of the Almaty Programme of Action as well as mobilize resources; and to further develop cooperation with the United Nations system organizations in order to ensure the timely and effective implementation of the Programme of Action;

(b) Encourage the regional commissions to continue to strengthen their efforts to work with landlocked and transit developing countries in order to develop integrated regional transit transport systems, harmonize regulatory requirements and procedures for import/export and transit with international conventions and standards, promote intermodal transport corridors, encourage accession to and more effective implementation of international conventions on transit transport, and assist in the establishment of national trade and transport facilitation coordination mechanisms and in improving the planning and development of the missing links in regional infrastructure networks, especially in Africa;

(c) Encourage the United Nations Conference on Trade and Development to continue to strengthen its technical assistance in the areas of infrastructure and services, transit transport arrangements, electronic commerce and trade facilitation, as well as trade negotiations with and accession to the World Trade Organization. The Division for Africa, Least Developed Countries and Special Programmes should, within its mandate, strengthen its analytical work and technical assistance to the landlocked developing countries. The United Nations Conference on Trade and Development should also develop pragmatic tools and investment guides, as well as identify best practices, to assist the landlocked developing countries in their efforts to attract a larger share of flows of foreign direct investment;

(d) Encourage the United Nations Development Programme to enhance its provision of trade-related technical assistance and capacity-building programmes to landlocked developing countries;

(e) Invite the World Trade Organization to continue to provide technical assistance to landlocked developing countries in order to enhance their negotiating capabilities;

(f) Invite the World Bank to continue to give priority to requests for technical assistance to supplement national and regional efforts to promote the efficient use of existing transit facilities, including the application of information technologies and the simplification of procedures and documents;

(g) Invite the World Customs Organization and other relevant international and regional organizations to continue to strengthen the provision of technical assistance and capacity-building programmes to landlocked and transit developing countries in the area of customs reform, the simplification and harmonization of procedures, and enforcement and compliance ;

32. *Invite* the General Assembly to consider, at the appropriate time, undertaking the final review of the implementation of the Almaty Programme of Action, in accordance with paragraph 49 thereof.

*19th plenary meeting
3 October 2008*

Resolution 1816 (2008)

Adopted by the Security Council at its 5902nd meeting on 2 June 2008

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the situation in Somalia,

Gravely concerned by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation,

Expressing its concerns at the quarterly reports from the International Maritime Organization (IMO) since 2005, which provide evidence of continuing piracy and armed robbery in particular in the waters off the coast of Somalia,

Affirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery, as well as other ocean activities,

Reaffirming the relevant provisions of international law with respect to the repression of piracy, including the Convention, and *recalling* that they provide guiding principles for cooperation to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state, including but not limited to boarding, searching, and seizing vessels engaged in or suspected of engaging in acts of piracy, and to apprehending persons engaged in such acts with a view to such persons being prosecuted,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia’s territorial waters,

Deploring the recent incidents of attacks upon and hijacking of vessels in the territorial waters and on the high seas off the coast of Somalia including attacks upon and hijackings of vessels operated by the World Food Program and numerous commercial vessels and the serious adverse impact of these attacks on the prompt, safe and effective delivery of food aid and other humanitarian assistance to the people of Somalia, and the grave dangers they pose to vessels, crews, passengers, and cargo,

Noting the letters to the Secretary-General from the Secretary-General of the IMO dated 5 July 2007 and 18 September 2007 regarding the piracy problems off the coast of Somalia and the IMO Assembly resolution A.1002 (25), which strongly urged Governments to increase their efforts to prevent and repress, within the provisions of international law, acts of piracy and armed robbery against vessels irrespective of where such acts occur, and *recalling* the joint communiqué of the IMO and the World Food Programme of 10 July 2007,

Taking note of the Secretary-General's letter of 9 November 2007 to the President of the Security Council reporting that the Transitional Federal Government of Somalia (TFG) needs and would welcome international assistance to address the problem,

Taking further note of the letter from the Permanent Representative of the Somali Republic to the United Nations to the President of the Security Council dated 27 February 2008, conveying the consent of the TFG to the Security Council for urgent assistance in securing the territorial and international waters off the coast of Somalia for the safe conduct of shipping and navigation,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns and deplors* all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Urges* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery and, in this context, *encourages*, in particular, States interested in the use of commercial maritime routes off the coast of Somalia, to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the TFG;

3. *Urges* all States to cooperate with each other, with the IMO and, as appropriate, with the relevant regional organizations in connection with, and share information about, acts of piracy and armed robbery in the territorial waters and on the high seas off the coast of Somalia, and to render assistance to vessels threatened by or under attack by pirates or armed robbers, in accordance with relevant international law;

4. *Further urges* States to work in cooperation with interested organizations, including the IMO, to ensure that vessels entitled to fly their flag receive appropriate guidance and training on avoidance, evasion, and defensive techniques and to avoid the area whenever possible;

5. *Calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines;

6. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

7. *Decides* that for a period of six months from the date of this resolution, States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery;

8. *Requests* that cooperating states take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

9. *Affirms* that the authorization provided in this resolution applies only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member states under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that it shall not be considered as establishing customary international law, and affirms further that this authorization has been provided only following receipt of the letter from the Permanent Representative of the Somalia Republic to the United Nations to the President of the Security Council dated 27 February 2008 conveying the consent of the TFG;

10. *Calls upon* States to coordinate their actions with other participating States taken pursuant to paragraphs 5 and 7 above;

11. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators or piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

12. *Requests* States cooperating with the TFG to inform the Security Council within 3 months of the progress of actions undertaken in the exercise of the authority provided in paragraph 7 above;

13. *Requests* the Secretary-General to report to the Security Council within 5 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

14. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal states, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

15. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 7 above for additional periods upon the request of the TFG;

16. *Decides* to remain seized of the matter.

Resolution 1838 (2008)

Adopted by the Security Council at its 5987th meeting, on 7 October 2008

The Security Council,

Recalling its resolutions 1814 (2008) and 1816 (2008),

Gravely concerned by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to fishing activities conducted in conformity with international law,

Noting with concern also that increasingly violent acts of piracy are carried out with heavier weaponry, in a larger area off the coast of Somalia, using long-range assets such as mother ships, and demonstrating more sophisticated organization and methods of attack,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Commending the contribution made by some States since November 2007 to protect the World Food Programme (“WFP”) maritime convoys, and, the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Noting recent humanitarian reports that as many as three-and-a-half million Somalis will be dependent on humanitarian food aid by the end of the year, and that maritime contractors for the WFP will not deliver food aid to Somalia without naval warship escorts, *expressing its determination* to ensure long-term security of WFP deliveries to Somalia and *recalling* that it requested the Secretary-General in resolution 1814 (2008) to provide his support for efforts to protect WFP maritime convoys,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Taking note of the letter dated 1 September 2008 of the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the Transitional Federal Government (“TFG”) to the Security Council for its assistance and expressing the TFG’s willingness to consider working with other States, as well as regional organizations, to provide advance notifications additional to those already provided, in accordance with paragraph 7 of resolution 1816 (2008), to combat piracy and armed robbery at sea off the coast of Somalia,

Recalling that in the statement of its President dated 4 September 2008 (S/PRST/2008/33) it welcomed the signing of a peace and reconciliation agreement in Djibouti and commended the Special Representative of the

Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, for his ongoing efforts, and *emphasizing* the importance of promoting a comprehensive and lasting settlement in Somalia,

Recalling also that in the statement of its President dated 4 September (S/PRST/2008/33) it took note of the parties' request in the Djibouti Agreement that the United Nations, within a period of 120 days, authorize and deploy an international stabilization force and *looking forward* to the Secretary-General's report due 60 days from its passage, in particular a detailed and consolidated description of a feasible multinational force, as well as a detailed concept of operations for a feasible United Nations peacekeeping operation,

Emphasizing that peace and stability, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat against international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates that it condemns and deplores* all acts of piracy and armed robbery at sea against vessels off the coast of Somalia;

2. *Calls upon* States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention;

3. *Calls upon* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy;

4. *Urges* States that have the capacity to do so to cooperate with the TFG in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008);

5. *Urges* also States and regional organizations, in conformity with the provisions of resolution 1814 (2008), to continue to take action to protect the World Food Programme maritime convoys, which is vital to bring humanitarian assistance to the affected populations in Somalia;

6. *Urges* States, as requested in particular by International Maritime Organization resolution ("IMO") A-1002(25), to issue to ships entitled to fly their flag, as necessary, advice and guidance on appropriate precautionary measures to protect themselves from attack or actions to take if under attack or the threat of attack when sailing in waters off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 above;

8. *Affirms* that the provisions in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member States under international law, including any rights

or obligations under the Convention, with respect to any situation, and *underscores* in particular that this resolution shall not be considered as establishing customary international law;

9. *Looks forward* to the report of the Secretary-General requested in paragraph 13 of resolution 1816 (2008) and *expresses* its intention to review the situation with respect to piracy and armed robbery at sea against vessels off the coast of Somalia with a view, in particular, upon the request of the TFG, to renewing the authority provided in paragraph 7 of resolution 1816 (2008) for an additional period;

10. *Decides* to remain seized of the matter.

2. Memorandum of Understanding on the Establishment
of a Sub-regional Integrated Coast Guard Network in West and Central Africa, July 2008¹

The Coastal Member States of the Maritime Organization of West and Central Africa (MOWCA) :

1. Angola
2. Benin
3. Cameroon
4. Cape Verde
5. Congo
6. Congo DR
7. Côte d'Ivoire
8. Gabon
9. The Gambia
10. Ghana
11. Guinea
12. Guinea Bissau
13. Equatorial Guinea
14. Liberia
15. Mauritania
16. Nigeria
17. Sao Tome and Principe
18. Senegal
19. Sierra Leone
20. Togo

Landlocked Member States of MOWCA associated to the Memorandum: Burkina Faso, Mali, Niger, Central African Republic, Chad

¹ MOWCA/XIII GA.08/8, Item 6.2.1.1.c of the Agenda, Original : FRENCH. Version : English. Maritime Organisation of West and Central Africa: 13th Session of the General Assembly, Dakar 2008, 29 – 31 July 2008, Dakar, Republic of Senegal

Considering the relevant provisions of United Nations General Assembly resolution 55/2 on the United Nations Millennium Declaration and, in particular, section II on Peace, security and disarmament; section III on Development and poverty eradication; section IV on Protecting our common environment; and section VII on Meeting the special needs of Africa

Considering the United Nations General Assembly resolution A/RES/55/7 on Oceans and the Law of the Sea urging all States, and in particular coastal States, in affected regions to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional co-operation, and to investigate or co-operate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

Considering the United Nations General Assembly resolution A/RES/59/24 on Oceans and the Law of the Sea also urging all States, in co-operation with the International Maritime Organization, to combat piracy and armed robbery at sea; and to carry on regional co-operation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urging States to give urgent attention to promoting, adopting and implementing co-operation agreements, in particular at the regional level in high-risk areas;

Considering the United Nations General Assembly resolution A/RES/60/30 on Oceans and the Law of the Sea also urging all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration,

Taking into account the Maritime Transport Charter for West and Central African States, adopted in Abidjan on May 7, 1975 and as amended on August 6, 1999;

Taking into account the Convention on the Institutionalisation of the Ministerial Conference of Central African States on Maritime Transport adopted in Accra on February 26, 1977 and as amended in Abidjan on August 06, 1999;

Taking into account the MOWCA resolution n°193/12/03 on maritime safety in West and Central Africa adopted in LUANDA on October 31, 2003, in particular the setting up of an integrated sub-regional network of coastguards;

Recognizing that the history of maritime security and safety as well as marine environmental protection in West and Central African Sub-region is full of incidents and accidents that expose the lack or inadequacy of response capability in the sub-region ;

Appreciating the efforts carried out in these fields, by the United Nations, through the International Maritime Organization IMO, by the adoption of various conventions, including the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (the 1988 SUA Convention), as revised, and the International Convention on Maritime Search and Rescue, 1979, as amended (SAR 1979), aiming at developing an international search and rescue (SAR) plan so that no matter where an accident occurs, the rescue of persons in distress at sea would be co-ordinated by a SAR organization and, when necessary, by co-operation between neighbouring SAR organizations; including also the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974), the Protocol of 1978 relating to the International Convention on the Prevention of Pollution from Ships, 1973, as amended (MARPOL PROT 1978), OPRC Convention, 1990, etc. which provisions should be implemented at shore and at sea, for the implementation of maritime navigation and marine pollution prevention and control;

Recognizing with deep concern the grave dangers to the safety and security of persons at sea and to the protection of the marine environment arising from unlawful acts against ships and in particular from acts of piracy or armed robbery;

Also recognizing that national, regional and international efforts to combat terrorism also enhance the ability to combat organized crime and armed robberies against ships;

Being aware that the fight against piracy and armed robbery against ships is often impeded by the absence of effective or adequate legislative and administrative arrangements for the investigation of reported cases of piracy or armed robbery against ships;

Being also aware that, when arrests are made, there is the absolute need for a legislative framework and of adequate guidelines for the conduct of investigation so as to allow for the prosecution, conviction and punishment of those involved in acts of piracy and armed robbery against ships.

Recalling the obligations of States under United Nations Security Council resolutions 1373 (2001), 1540 (2004) and 1566 (2004);

Recalling the provisions of the United Nations Convention on the Law of the Sea (UNCLOS);

Recalling also the relevant provisions of the 1988 SUA Convention and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (the 1988 SUA Protocol);

Recalling further the need for ships, consistent with the provisions of UNCLOS, to provide assistance in response to a situation of persons in distress at sea;

Recognizing also the vulnerability of transport networks, the important role energy shipping plays in the global economy, and the importance, in this respect, of enhancing safety, security, and environmental protection of the sea area along the Atlantic coast of the MOWCA Member States (hereinafter referred to as “the coast of West and Central Africa”);

Recognizing further the need to balance maritime security and facilitation and to minimize any adverse effects on the free flow of commerce to and from ports in West and Central Africa and that enhanced maritime security along the coast of West and Central Africa will promote international trade, economic co-operation and sustainable economic development;

Being also aware that, when arrests are made, there is the absolute need for a legislative framework and of adequate guidelines for the conduct of investigation so as to allow for the prosecution, conviction and punishment of those involved in acts of piracy and armed robbery against ships.

Recalling the obligations of States under United Nations Security Council resolutions 1373 (2001), 1540 (2004) and 1566 (2004);

Recalling the provisions of the United Nations Convention on the Law of the Sea (UNCLOS);

Recalling also the relevant provisions of the 1988 SUA Convention and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (the 1988 SUA Protocol);

Recalling further the need for ships, consistent with the provisions of UNCLOS, to provide assistance in response to a situation of persons in distress at sea;

Recognizing also the vulnerability of transport networks, the important role energy shipping plays in the global economy, and the importance, in this respect, of enhancing safety, security, and environmental protection of the sea area along the Atlantic coast of the MOWCA Member States (hereinafter referred to as “the coast of West and Central Africa”);

Recognizing further the need to balance maritime security and facilitation and to minimize any adverse effects on the free flow of commerce to and from ports in West and Central Africa and that enhanced maritime security along the coast of West and Central Africa will promote international trade, economic co-operation and sustainable economic development;

Acknowledging the fact that the enhancement of security in the international maritime transport sector is an indispensable and fundamental condition for the welfare and economic security in West and Central Africa and is in the direct interest of all States;

Further recognizing that the successful implementation and maintenance of compliance with SOLAS 1974 and the International Ship and Port Facility Security Code (the ISPS Code) require, inter alia, the early and efficient collection, assessment and exchange of security-related information;

Also recognizing the need to set, in accordance with SOLAS 1974 regulation XI-2/7 on Threats to ships, security levels and to ensure the provision of security level information to ships operating in our territorial sea or having communicated an intention to enter our territorial sea, and where a risk of an attack has been identified, to provide advice to the ships concerned;

Expressing great concern for the security of passengers and crews on board ships including small craft, both at anchor and underway, in the context of incidents involving terrorism and other unlawful acts against ships, and the associated risks to people on shore or populations in port areas as well as to ports, offshore terminals and the marine environment;

Being convinced of the need for MOWCA Member States to co-operate and to take, as a matter of the highest priority, all necessary action to prevent and suppress any incidents which threaten the security in the international maritime transport sector;

Recognizing the importance of sustainable fisheries as potential means for creating and sustaining employment, providing food security and generating revenue for the national economies of MOWCA Member States, and that they contribute to economic growth and poverty reduction;

Desiring to move from words to action through full implementation of various international instruments for sustainable fisheries adopted or enacted in the past decades, including the 1995 Food and Agriculture Organization Code of Conduct for Responsible Fisheries, Governments in West and Central Africa should appreciate the social, economic and financial benefits of sustainable fisheries and provide financial, material and human resources to achieve defined objectives in protecting these resources and their environment;

Recognizing that among those rescued at sea may be refugees and asylum seekers who should in accordance with international law, specifically the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol as well as the 1969 OAU Convention governing the specific aspects of refugee problems of Africa, be disembarked promptly at a place of safety where they are safe from prosecution or other human rights violation and where the asylum requests will be examined;

Realizing that measures taken to control borders and restrictions on aliens' access to territory constitute a valid exercise of State sovereignty;

Respecting fully the sovereignty, sovereign rights, jurisdiction and territorial integrity of the States which constitute the network, the principle on non-intervention, and the relevant provisions of international law, in particular, UNCLOS;

Recognizing the potential benefits for the establishment of an integrated coast guard function network for the west and central coast of Africa across a wide range of activities, including the enhancement of maritime safety, security and environmental protection, law enforcement, and economic development;

Recognizing that in the absence of a regional integration scheme, these conventions impose costly obligations in each West and Central African State in so far as each State develops its own regulation framework, set up its own shore installations and brings into service its own coastguard network mainly through its Navy or Maritime Administration;

Conscious that the multiplicity of regulations and implementation procedures concerning their marine and coastal zones is not only expensive for the States taken individually, but also does not allow the States to take full advantage of economies of scale in guarding the coast and it also creates barriers and obstacles to shipping and trade ;

Noting that, taking into account the considerable obligations posed by the 1979 SAR Convention, it had not been accepted or ratified by many Coastal states throughout the world including those of West and Central Africa and that the SAR Convention as amended clarifies the responsibilities of Governments and puts greater emphasis on the regional approach and co-ordination between maritime and aeronautical SAR operations ;

Conscious that in the absence of a sub-regional agreement on the right of hot-pursuit across national borders, the sub-region lacks an effective means to pursue and prohibit piracy and armed robbery acts;

Recognizing that although most of MOWCA Member States, through their respective Navy, Marine Police and Merchant Marine Administrations, already perform some coastguard activities, however these activities are not co-ordinated for a regional response in case of crises transcending national boundaries ;

Conscious that most of the IMO Conventions can only be implemented effectively on a regional or sub-regional basis and,

Convinced that MOWCA Member States individual coastguard activities can take advantage of economies of scale derived from an improved and harmonized regional coastguard network and a strengthened co-operation and exchange of information

Conscious that the issues of management of the seas and oceans are closely interrelated and need to be considered as a whole ;

Affirming the duty of States to use the seas and oceans for peaceful purposes ;

Acknowledging the importance of resolving sovereignty and jurisdictional disputes peacefully and without resort to force ;

Supporting the will of MOWCA to foster a regional environment conducive to maintaining the peace, commerce and prosperity of the West and Central Africa;

Taking into account IMO Resolution A.584(14) of 20 November 1985 on the development of measures to prevent unlawful acts which threaten the safety of ships and security of their passengers and crews ;

Acknowledging the guiding principles for the Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources set out in Chapter 17 of Agenda 21, agreed at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 ;

Acknowledging the importance of seaborne trade in the West and Central Africa;

Conscious of the interests which countries share in the marine environment, and in a spirit of cooperation, friendship and goodwill;

Conscious of the need to develop a common approach to common maritime safety and security problems; and

Taking into account of the recommendations of IMO/MOWCA forum held in Dakar from 23 to 25 October 2006 on the establishment of an integrated coast guard function network for West and Central African Countries;

Convinced that the following Memorandum of Understanding will promote regional maritime cooperation and a stable maritime environment, contribute to the peace, good order and continuing prosperity of the West and Central Africa ;

Agree to what follows:

FIRST PART: DEFINITION, RELEVANT INSTRUMENTS, RIGHTS AND DUTIES

Article 1 Definitions

1. For the purposes of the following Memorandum:

State Party " or " Party " means West and Central Africa coastal State having signed or accepted this Memorandum of Understanding

"archipelagic waters" means those waters enclosed by the archipelagic baselines of an archipelagic State drawn in accordance with Article 47 of UNCLOS ;

“coastguard” means a public statutory agency in a State responsible for the development and implementation of policies on safety of life at sea, search and rescue interventions, maritime navigation police and marine pollution police ;

Competent Officer: An Officer of a State Party, competent to enforce legal provisions, to investigate infringements to these provisions and to prosecute or to report to a prosecuting Authority.

Facility: Mobile or fixed facility of the Network

"continental shelf" means the submarine area of seabed and subsoil as defined by Part VI of UNCLOS ;

"enclosed or semi-enclosed sea" means a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States, as defined by Part IX of UNCLOS ;

"exclusive economic zone" means an area superjacent to the sea-bed, and subsoil, as defined by Part V of the UNCLOS;

“foreign sea” means a sea area where a State, as coastal State, is different from the State providing the flag of a given facility of the Organization;

"high seas" means those waters to which the provisions of Part VII of UNCLOS applies ;

"marine environment" includes the oceans and all seas and adjacent coastal areas ;

“piracy” as defined in Art 101 of UNCLOS means : (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed :

- on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft ;

- against a ship, aircraft, persons or property in a place outside the jurisdiction of any State ;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft ;
- (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).”;

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

"sea lines of communication" is the term used to describe shipping routes used for seaborne trade ;

"surveillance" means the observation of aerospace, surface and sub-surface areas, places, persons or objects by visual, aural, electronic, and photographic means; and

"territorial sea" means the belt of sea which is claimed by the coastal State as territorial sea in accordance with Section 2, Part II of UNCLOS.

Article 2 Relevant Instruments

1. For the purposes of this Memorandum, “relevant documents” are the under listed instruments together with any protocols or amendments thereto and mandatory codes enacted pursuant to such instruments or protocols:

- Maritime Transport Charter for West and Central Africa adopted in Abidjan on May 7, 1975 and as amended on August 6, 1999;
- IMO Assembly resolution A.584(14) of 20 November 1985 on the development of measures to prevent unlawful acts which threaten the safety of ships and security of their passengers and crews;
- United Nations General Assembly resolutions A/Res/55/2, A/Res/55/7, A/Res/59/24 and A/Res/60/30
- MOWCA Recommendations No 04/05; No 05/05; No 06/05 approving the establishment of four (4) coastguard zones in the sub-region for effective zonal coordination and the setting up of two principal coordinating centres for the region, adopted by the MOWCA Bureau of Ministers in Luanda, March 2005 and September 2007;
- MOWCA Resolution n° 182/11/01 approving the proposal to establish an integrated Sub-regional Coast Guard network, adopted at 11th General Assembly of Ministers of MOWCA, Abuja, 4th June 2001;
- International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74);
- The International Ship and Port Facility Security Code.(ISPS Code) Code ;
- United Nations Convention on the Law of the Sea 1982 (UNCLOS);
- International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL 73/78);
- Convention on the International Regulation for Preventing Collisions at Sea 1972; (COLREG 72) ;

- International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969 as amended by the CLC protocol of 1992;
- International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988; (SUA 88), as amended;
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, (SUA Prot 88), as amended ;
- International Convention on the preparation, the fight and the co-operation in case oil pollution (OPRC 90);
- 1979 SAR Convention as amended;
- United Nations Food and Agricultural Program Code of Conduct for Fisheries;
- 1951 Convention relating to the Status of Refugees, and its 1967 Protocol as well as the 1969 OAU Convention governing the specific aspects of refugee problems of Africa.

Article 3 Rights and Duties

States recognize:

- the sovereignty and responsibilities of other States in respect of their internal waters, territorial seas, and archipelagic waters ;
- the sovereign rights and duties of other States with regard to exclusive economic zones and continental shelves; and
- the rights and responsibilities of other States as provided by UNCLOS, other conventions, treaty obligations and general international law.

SECOND PART: THE INTEGRATED NETWORK OF COASTGUARDS TITLE I: AT THE NATIONAL LEVEL

Article 4 The States Parties take following obligations:

1. to seek the establishment of a system for coordinating agencies with responsibility for national coastguard functions by each coastal Member State of MOWCA to develop and implement, as necessary:
 - (a) appropriate national maritime security policies to safeguard maritime trade from all forms of unlawful acts;
 - (b) national legislation, practices and procedures, which together provide the security necessary for the safe and secure operation of port facilities and ships at all security levels;
 - (c) legislation which ensures effective protection of the marine environment.
2. to establish, as necessary, a national system for co-ordinating the related activities between the departments, agencies, control authorities, and other organizations of the State, port operators, Companies and other entities concerned with, or responsible for the implementation of, compliance with, and enforcement of, measures to enhance maritime security and search and rescue;
3. to establish, as necessary, a national system for harmonizing and co-ordinating security measures designed to enhance the security in the international maritime transport sector with those of other modes of transport ;

4. to institute or improve a national mechanism for intra- and intergovernmental agencies and other relevant stakeholders to co-operate and co-ordinate on a coastguard function;
5. to prosecute, in accordance with relevant domestic laws, perpetrators of all forms of piracy and unlawful acts against seafarers, ships, port facility personnel and port facilities;
6. Set up in each MOWCA member States the maritime Fund.

Article 5
Organization and operation

The organization and the operation of the national structure come exclusively under the responsibility of each State in accordance with the laws and regulations in force.

TITLE II: AT THE REGIONAL LEVEL

Article 6
The Parties take following obligations:

1. to seek the establishment of an integrated coastguard function network for West and Central Africa to develop and implement, as necessary:
 - (a) appropriate regional maritime security policies to safeguard maritime trade from all forms of unlawful acts;
 - (b) regional legislation, practices and procedures, which together provide the security necessary for the safe and secure operation of port facilities and ships at all security levels;
2. to consolidate the existing, or seek to establish, as the case may be, a regional maritime information centre through which the States can share and exchange security-related information, for the aim of preventing or combating unlawful acts against seafarers, ships, port facility personnel and port facilities in the area and ensuring prompt response to any distress or security alert received from these ships;
3. to seek ways for engaging States which trade with West and Central Africa and the shipping industry to support and enhance the safety, security and environmental protection in West and Central Africa;
4. to combat piracy, armed robbery against ships, unlawful acts and transnational organized crime at sea by enhancing the regional maritime security strategies and multilateral co-operation in their implementation;
5. to integrate any existing co-operative efforts or arrangements relating to combating unlawful acts against seafarers, ships, port facility personnel and port facilities and trans-national organized maritime crime, including those relating to collection, assessment, sharing and exchanging of security-related information and those relating to the co-operation and co-ordination among the institutions concerned, such as naval units, coastal patrol and law enforcement agencies, shipping companies, seafarers, and port authorities with a view of identifying any areas which may warrant improvements;
6. to improve international and regional co-operation with a view to ensure that pirates and persons committing unlawful acts against seafarers, ships and port facilities and port facility personnel do not evade prosecution;
7. to take into account any existing legislative and administrative arrangements relating to the investigation of alleged piracy or armed robbery incidents and for the prosecution, conviction and punishment of those involved in acts of piracy and armed robbery against ships with a view of identifying any areas which may warrant improvement taking into account the guidelines for the suppression of piracy and armed-robbery against ships¹ developed by the International Maritime Organization;

8. to improve the capacity of national and regional training institutions for the training and development of relevant indigenous human capital for the operation of an efficient regional coastguard function network;
9. to seek the commitment, consistent with the provisions of UNCLOS, of any military ship or other ships in the area capable of providing assistance, to respond to any situation of persons in distress at sea;
10. to become parties to and implement the provisions of, the International Conventions and Protocols related to the prevention and suppression of international terrorism and, in particular, the 1988 SUA Convention, the 1988 SUA Protocol, the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; the United Nations Convention against Trans-national Organized Crime, 2000; and also to become parties to and implement the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol as well as the 1969 OAU Convention governing the specific aspects of refugee problems of Africa;
11. to ensure that, in seeking the fulfilment of the above objectives, a balance is maintained between the need to enhance maritime security and facilitation of maritime traffic and to avoid any unnecessary delays to international maritime trade in West and Central Africa;
12. to co-operate and collaborate with the sub-regional fisheries bodies and the Food and Agriculture Organization on preventing and combating illegal, unregulated and unreported fishing, and protecting fisheries resources for sustainable long term utilization to sustain livelihoods in West and Central Africa;
13. to ensure that measures taken to control borders and restrictions and aliens access to territory are in compliance with international law including human rights and refugee law;
14. to co-operate with the United Nations High Commissioner for Refugees with regard to the protection of asylum seekers and refugees at sea;
15. to review periodically the progress of the efforts made in achieving the above objective and to share the result of the experience gained with MOWCA Member States; and
16. to have the General Assembly of MOWCA and the Bureau of Ministers informed of efforts made in achieving the above objective, and of the international support provided in this regard.

TITLE 2: MISSION AND ORGANISATION

Article 7 Missions

The goal of the Coastguard Function Network (the Network) is to allow the parties to promote and make joint efforts as far as their maritime activities are concerned, particularly those devoted to the protection of the human life, the enforcement of the laws, the improvement of safety and the protection of the environment.

Article 8 Administrative organisation

The highest body of administration of the Network is the Council of Ministers (hereafter called the Council).

The Council of Ministers elects its bureau in accordance with the Rules of Procedure of the Organisation

The Council decides on the general policy of the Network, adopts the annual budget, appoints the Principal Coordinator and takes all other decisions envisaged by the memorandum. It can interpret the Memorandum.

The Council meets twice (2) per annum. It can hold extraordinary meetings where necessary.

The Principal Coordinator of the Network takes part in the meetings of the Council.

The Secretary-General of MOWCA takes part in the meetings of the Council as observer.

Article 9
Technical Evaluation Committee

The Technical Committee of Evaluation (hereafter) called the technical committee, is composed of experts nominated by the Secretary-general of MOWCA, in charge of steering the implementation and the progress of the Network

Article 10
Committee of Representatives

The Representatives of the Committee (hereafter called the Committee) is composed of a Representative for each State Party. Each Representative can be assisted by two substitutes.

The Representative of a State Party is the Person in charge, in his/her country, of the general coordination of all the questions relating to the Network and the only person in charge of the connection between his Government and the Network, except for what relates to the capacity of the Council.

The Committee assists the Principal Coordinator in the general administration of the Network. On a proposal from the Principal Coordinator, it decides principles of the work programme and the means of the Network. It adopts the relevant operational documents relating to the activity of the Organisation.

It examines all the questions submitted to it by the Principal Coordinators and, according to the cases, delivers opinions, decides or transmits to the technical evaluation committee.

The Committee proposes to the Council the appointment of the Deputy Principal Coordinator and the Coordinator of zones.

The committee of evaluation attends the meetings of the committee as statutory participant.

The Representatives Committee elects its bureau in accordance with the rules of procedure of the Organisation.

Article 11
Committee of Representatives

The Principal Coordinator is the legal representative of the network. He/she is responsible for its general management and can take the required measures to this end, in accordance with the provisions of this memorandum. He/she can delegate his powers to his Assistant and to the Coordinator of the zones in accordance with the directives approved by the Council.

He/she is replaced by the Deputy Principal Coordinator when he/she is unavailable. He/she accounts for operational activities of the Network at each meeting of the Council.

Article 12
Constitution of the Network

The Network comprises four (04) Coastguard zones with respective four (4) Coastguard Zonal Coordinating Centres and two (2) Principal Coordinating Centres:

- Zone 1: Mauritania, Senegal, Gambia, Guinea Bissau, Cabo Verde.
- Zone 2: Guinea, Sierra Leone, Liberia, Cote d'Ivoire, Ghana.
- Zone 3: Togo, Benin, Nigeria, Cameroon, Equatorial Guinea.
- Zone 4: Gabon, Congo, DRC, Sao Tome & Principe, Angola.

In each zone, a Coordinator is in charge of operations in his/her zone, according to Principal Coordinator's instructions and orders.

Article 13

The Network comprises fixed facilities and mobile facilities.

Article 14

Fixed facilities include:

- operational facilities, devoted to gathering of information (such as radar stations) and anagement of operations and, in general, of all the activities of the Network;
- training facilities, devoted to improving the skills of the staff. Training facilities can be shared with another structure or created within the framework of an existing training centre;
- Means, devoted to the maintenance and the operational support of the Network.

Article 15

The logistic means of the Network include nautical and aeronautical means, and also terrestrial means. All the logistic means of the Network are subject to the operational rules envisaged by the second part of this memorandum. All the means of the Network have the same colors and distinctive marks adopted by the Council. Similar distinctive characteristics appear in the logo and emblem of the Network.

Article 16

Each ship belonging to the Network flies the flag of the State Party where it is assigned. It is used only in its zone except temporarily for joint missions, reinforcements or replacements of other ships. The logistic means of the Network cannot be used for military missions of the flag State, except for peace or evacuation missions

The logistic means are the property of the Network. It supplies them with fuel, makes the maintenance and assigns each one of them to a State Party which has the responsibility to equip and train the crew.

A part of the training of the crew however is organized and supported by the Network. While endorsing the responsibility to equip and train the crew, the Flag State can make arrangements with other States Parties in order to allow nationals to be embarked in the maximum proportion of a third of the officers and half of all the crew.

Article 17

However, if the agreement fixing the conditions of equipment and maintenance is accepted by the Network, a State Party can provide the network with logistic means as stipulated by the memorandum except for the right of ownership.

In this case, the conditions of armaments, provisioning and maintenance are subject of an agreement between the Organization and the State Party

Article 18

The supply and the maintenance of ships can be conceded by the zones Coordinators to a private company with the consent of the Principal Coordinators.

Article 19

The Principal Coordinator and zone Coordinators are assisted by a permanent office including as much as possible agents of all the parties concerned. These offices include an operational center devoted to the collection of information and to the diffusion of information relating to the activities of the Organization

THIRD PART: RULES OF OPERATIONS
TITLE 1: IN NORMAL TIME

Article 20

At national level

Each State Party organizes at the national level, its surveillance missions in accordance with its laws and regulations in force.

Article 21

Zone cooperation agreement

The States Parties, in addition to the provisions of the memorandum and its appendices, can sign bilateral cooperation agreements without prejudice to the agreement set up and organizing the specific functioning of each zone.

Each time it is necessary, a State Party can benefit, through this agreement, from logistical and humane support of another State Party according to procedures they will have adopted.

The same State Party can sign the same agreement with the other State Parties of the zone.

Article 22

The missions are planned and ordered by the zone Coordinators.

The States Parties via their representatives send to the zone Coordinators, with any useful justification, their requests for presence of the facilities in their sector.

The programmes of missions ordered by the zone Coordinators are sent to the Representatives of the State parties of the zone.

Article 23

The facilities must carry out constabulary missions in accordance with the law of the competent State Party for the given sector, and in accordance with UNCLOS.

SAR missions are carried out according to provisions of SAR Convention and its protocols.

Article 24

On request or with the authorization of a competent agent, a coastguard facility can carry out an act of police in a foreign sector, as if it were a facility of the State Party of this sector and in accordance with the applied laws. If the competent agent is not on board, his request or his authorization can be transmitted by any suitable means of communication. The reports of the embarked agents on board have the same legal force as a report carried out by a competent Officer.

Article 25

The States Parties take any appropriate measures to harmonize their legal status relating to the policing at sea.

TITLE II: IN TIME OF CRISIS

Article 26

In case of events (accidents, acts of piracy, marine pollution, and other illicit acts) in territorial waters under jurisdiction of a given zone, and requiring an external assistance, the Maritime Authority approaches at once the Principal Coordinator of the zone and informs the agency or agencies with responsibility for national coastguard functions.

The Principal Coordinator concerned implements the action plan envisaged for this purpose and annexed at the present memorandum.

TITLE III: EMERGENCY PLAN

Article 27

The Principal Coordinator works out a sub regional draft of emergency plan to be submitted to the approval of the Council. The Principal Coordinator is in charge of the implementation of the emergency plan thus adopted.

FOURTH PART: FINANCIAL RESOURCES

Article 28

The financial resources of the network include:

- regional maritime funds;
- the normal or extraordinary contributions decided by the Council;
- contributions of organizations or donor countries;
- 50 % of penalties and confiscations resulting from the actions of the Network.

Article 29

Each State Party begins to pay its financial contribution to the Network in accordance with the decisions and procedures adopted by the council.

FIFTH PART: ENGAGEMENTS OF STATE PARTIES

Article 30

Each State Party gives effect to the provisions of this Memorandum or its appendices, which constitute an integral part of the Memorandum, and will take any necessary measures to ratify or accept the relevant legal instruments for the implementation of the Memorandum.

Article 31

Each State Party establishes an effective national organization of coastguard, by making sure that this organization is in conformity with the standards described in the instruments defined in this Memorandum.

Article 32

Each State Party consults, cooperates and exchanges information with other States Parties in order to improve the objectives of the Memorandum.

SIXTH PART: FINAL PROVISIONS

TITLE I: OTHER PROVISIONS

Article 33

Any State Party which has accepted the Memorandum can propose amendments or appendices to the Memorandum.

In the case of amendment proposal to the Memorandum, the following procedure will apply:

- a) the amendment suggested will be submitted to the principal Coordination Centre in order to be studied, at least six (06) weeks before the meeting of the Committee;

- b) the amendments will be adopted by a majority of two thirds of the Representatives of the States Parties in the Committee;
- c) if the amendment is adopted, it will be communicated by the principal Coordination Centre to the States Parties for acceptance.

Article 34

An amendment is supposed to be accepted, either at the end of a period of six (06) months after adoption by the Representatives of the States Parties in the Committee, or at the end of any other period determined unanimously by the Representatives of the States Parties in the Committee, unless for the considered period an objection is communicated to the Secretariat by a State Party.

An amendment comes into force sixty (60) days after being accepted, or at the end of any other period determined unanimously by the Council.

Article 35

In case of amendment or appendix proposals, the following procedure is followed:

- a) the amendment or the appendix proposed will be submitted to the examination by the States Parties through the Principal Coordinator;
- b) the amendment or the appendix is supposed to be accepted at the end of a period of three (03) months from the date on which it was communicated by the Principal Coordination Centre, unless a State Party requests only the amendment in writing or the appendix is not examined by the Committee. In this case, the procedure specified in article 6.1.1 applies;
- c) the amendment or the appendix comes into force sixty (60) days after being accepted, or at the end of any other period determined unanimously by the States Parties.

Article 36

The Memorandum comes into force without prejudice to the laws and regulations derived from an international instrument.

A Maritime Authority satisfying the criteria specified in this memorandum or its amendments or appendices can adhere to the Memorandum or its amendments or appendices with the agreement of all the States Parties which have accepted the Memorandum, its amendments or appendices.

Article 37

The Memorandum remains ready for signature to the West and Central Africa States and throughout a twelve (12) month period, in the headquarters of MOWCA.

However, it comes into force in a given zone three months after all the States Parties of this zone have signed it.

After the considerations mentioned above, the States Parties will be able to implement it if they satisfy the requirements contained in the Memorandum.

Article 38

Any maritime Authority or Organization wishing to take part as observer will submit a written request to the Committee, and will be considered as observer with the unanimous agreement of the Representatives of the States Parties present and voting at the meeting of the Committee.

Article 39

Each State Party, which has not yet done so, is invited to establish, specialized Government Agency which shall develop and execute on shore and at sea duties of maritime navigation and marine pollution polices,

including search and rescue, combating piracy and unlawful acts against safety and security of maritime navigation.

Article 40

In establishing such Agencies, States shall take account of the relevant international conventions and instruments on the aforementioned issues and the need to grant adequate enforcement powers to such Agencies. States shall take steps to harmonize their legal regimes regarding enforcement at sea

MARITIME COOPERATION

Article 41

States are invited to become parties to UNCLOS, SUA and other relevant instruments, noting that this will contribute to the strengthening of peace, security, cooperation, sustainable development and friendly relations.

Article 42

States Parties accept that a comprehensive concept of regional maritime security requires an integrated regional and multidisciplinary approach, necessitating cooperation and coordination of all interested bodies and activities.

Article 43

States Parties agree to offer assistance upon request in a coordinated method to member States on capacity building in terms of equipment and personnel requirement for the establishment of and efficient performance of coastguard functions by a designated agency.

Article 44

States Parties recognize the importance of cooperation for the management of the marine environment, particularly with respect to safety, security and maritime casualty for the West and Central Africa region.

MARITIME ROUTES

Article 45

States Parties recognize the importance of freedom of navigation, in accordance with the provisions of UNCLOS, to the maintenance of seaborne trade in West and Central Africa.

Article 46

Taking into account the promotion of the safety of navigation and the protection of the marine environment, States shall develop cooperative approaches to the maintenance and protection of maritime routes. Such co-operative approaches include exchanges of information and training in such areas as humanitarian assistance, search and rescue, marine safety, and law and order at sea. The exchange of information should include information on likely threats to, or security incidents relating to maritime routes.

Article 47

Further implementation of this cooperative approach could include naval cooperation and the sharing of information resulting from maritime surveillance.

HUMANITARIAN ASSISTANCE

Article 48

States Parties recognize the benefits of working together on the prevention, mitigation and management of maritime natural disasters, including preparedness and early warning systems, the exchange of information, compilation of data bases, planning, disaster reduction and relief activities, as well as training and education programs.

SEARCH AND RESCUE

Article 49

States Parties are invited to promote greater sharing of maritime Search and Rescue (SAR) experience and expertise, as well as facilitate coordination and cooperation in SAR training and procedures.

Article 50

States Parties consult with regard to the ratification, implementation and participation in relevant conventions and instruments concerning maritime SAR.

MARITIME SAFETY

Article 51

States Parties shall promote navigational safety by measures such as:

- the edition of adequate cartography;
- the publication and the diffusion of notices to sailors;
- the use of appropriate navigational aids;
- the notification of recommended shipping routes.

Article 52

States Parties express support for regional and international efforts to deal with the problem of sub-standard ships, including the establishment of regional systems of port state control.

Article 53

States Parties consult each other with regard to the ratification, implementation and participation in relevant conventions and instruments concerning maritime safety.

LAW AND ORDER AT SEA

Article 54

States Parties recognize the importance of cooperation in the maintenance and enforcement of law and order at sea, including the prevention of piracy, drug smuggling, and other crimes at sea, also recognize the rights of States Parties to enforce their domestic laws at sea to the extent allowed by international law.

Article 55

States Parties recognize the right of hot pursuit and shall develop an effective mechanism thereof which shall take in consideration the provisions of Article III of this Memorandum.

Article 56

States Parties are invited to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

NAVAL CO-OPERATION

Article 57

States Parties acknowledge the confidence-building benefits of naval cooperation, including increased personnel contacts and voluntary measures to promote naval transparency.

Article 58

States Parties may wish to consider a framework of bilateral or multilateral instruments for the navy concerned in order to avoid the nautical incidents.

MARITIME SURVEILLANCE

Article 59

States Parties recognize that maritime surveillance may be conducted for peaceful purposes as part of the exercise of freedom of navigation and over flight in areas claimed as exclusive economic zone or continental shelf, and on the high seas. This should be conducted with consent and without prejudice to the jurisdictional rights and responsibilities of the coastal State within its exclusive economic zone or over its continental shelf, as provided for under UNCLOS.

Article 60

States Parties shall work towards developing arrangements for the sharing of surveillance information with other States Parties to this Memorandum.

PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 61

States Parties recognize their individual and collective obligation to protect and preserve the marine environment.

Article 62

States Parties shall consult with regard to:

- (a) cooperation on a bilateral, sub-regional and regional basis in taking all measures necessary to prevent, reduce, monitor and control pollution of the marine environment from all sources ;
- (b) the ratification, implementation and participation in relevant conventions and instruments concerning protection, preservation and monitoring of the marine environment;
- (c) the implementation of Chapter 17 of Agenda 21, adopted at the 1992 United Nations Conference on Environment and Development (UNCED), particularly those program areas concerning integrated management and sustainable development, marine environmental protection and the strengthening of international cooperation, including regional cooperation and coordination; and
- (d) the development and implementation of national, sub-regional and regional monitoring programs and contingency plans in response to pollution incidents in the marine environment.

Article 63

States Parties consult at the bilateral and sub-regional levels in the formulation and harmonization of policies for the conservation, management and sustainable utilization of marine living resources that straddle maritime zones, or which are highly migratory, or occur in the high seas.

Article 64

States Parties consult at the bilateral and sub-regional levels in the formulation and harmonization of policies for the exploration and exploitation of marine non-living resources which occur across two or more zones of national jurisdiction, especially in cases where a shared resource can be exploited, wholly or in part, from one or more of the zones of national jurisdiction.

MARINE SCIENTIFIC RESEARCH

Article 65

States parties are invited to cooperate, directly or through competent international, regional or sub-regional organizations, for the purpose of promoting studies, undertaking programs of scientific research and the exchange of information and data about the marine environment, particularly about pollution of the marine environment and changing sea levels.

Article 66

States Parties are invited to consult on the harmonization of their respective procedures, in accordance with Part XIII of UNCLOS, for granting consent to proposed marine scientific research projects in their exclusive economic zones and on their continental shelves.

TECHNICAL COOPERATION AND CAPACITY-BUILDING

Article 67

States Parties recognize the benefits of technical cooperation and capacity-building, and are invited to implement relevant programs in the maritime sector designed to build infrastructures, institutions and capabilities for policy formulation and implementation. This includes information sharing and development of database.

TRAINING AND EDUCATION

Article 68

States Parties cooperate on the development and promotion of training and educational programs for the management of the marine environment, particularly for the maintenance of safety and law and order at sea, the preservation and protection of the marine environment, and the prevention, reduction and control of marine pollution. Such cooperation might include :

- a) the offer of places on national training courses to other States, subject to payment of relevant costs;
- b) sharing curriculum and course information;
- c) the exchange of naval and law enforcement personnel, scientists and other experts;
- d) the exchange of views on maritime issues;
- e) holding conferences, seminars, workshops and symposiums on maritime subjects of common interest; and
- f) fostering cooperation among maritime training institutions and research centres.
- g) the offer of places on national training courses to other States, subject to payment of relevant costs;
- h) the exchange of naval and law enforcement personnel, scientists and other experts;

- i) the exchange of views on maritime issues;
- j) holding conferences, seminars, workshops and symposiums on maritime subjects of common interest; and
- k) fostering cooperation among maritime training institutions and research centres.

States Parties are invited to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

TITLE II: FINAL PROVISIONS

Article 69

Any State Party can withdraw from the Memorandum by a written notification to the Committee sixty (60) days before.

Article 70

The English, French and Portuguese versions of this Memorandum are authentic.

This Memorandum is adopted and open to signature in Dakar,
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Hereafter have signed The Representatives of the following States Parties:

1. Angola
2. Benin
3. Cameroon
4. Cape-Verde
5. Congo
6. D.R. Congo
7. Côte d'Ivoire
8. Gabon
9. Gambia
10. Ghana
11. Guinea
12. Guinea-Bissau
13. Equatorial Guinea
14. Liberia
15. Mauritania
16. Nigeria
17. Sao Tomé and Principe
18. Senegal
19. Sierra Leone
20. Togo