



The Law of the Sea

Current Developments in State Practice
No. III



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

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FOREWORD

The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs has prepared the third volume 1/ of the series Current Developments in State Practice in order to continue to disseminate widely relevant information relating to the practice of States following the adoption of the United Nations Convention on the Law of the Sea.

The Convention even though not yet in force continues to exert an important influence on the development of national policy with respect to law of the sea matters. A growing number of States have adopted new legislation dealing with such matters as the determination of baselines, the breadth and status of the territorial sea, the establishment of exclusive economic zones, the definition of the continental shelf and the delimitation of maritime boundaries between States with opposite or adjacent coasts. As of February 1992: one-hundred and thirteen States have claimed a 12-mile territorial sea limit. It is of importance to note that certain States that had earlier made territorial sea claims exceeding the 12-mile limit have modified their legislation to conform to the relevant provisions of the Convention. Eighty-five coastal States have proclaimed sovereign rights to explore, exploit, conserve and manage the natural resources living or non-living to be found in the exclusive economic zone. Sixteen States continue to exercise fishing rights in a zone of 200 miles.

It is hoped that the information provided in this publication will assist States in their efforts to implement the Convention and in so doing will promote a uniform and consistent application of the complex and comprehensive set of international norms embodied in the Convention. Included are all recently adopted treaties, multilateral as well as bilateral, legislation available to the Division and communications from Governments, as well as the latest declarations made by States upon ratification. The legislation reproduced deals mainly with the extent of maritime jurisdiction and the regime applicable to it, and is listed by State in alphabetical order.

The publication of information in this volume concerning developments in State practice does not imply that all those developments are necessarily consistent with the Convention, nor does it imply recognition by the United Nations of the validity or otherwise of the actions and decisions in question.

The contents of the present publication are partly drawn from previous issues of the series Law of the Sea Bulletin circulated in mimeographed form. This volume contains the material received by the Division mainly between 1988 and 1992.

1/ The first volume, Current Developments in State Practice (United Nations publication, Sales No. E.87.V.3), was published in March 1987; the second volume, Current Developments in State Practice II (United Nations publication, Sales No. E.89.V.7), was published in May 1989.

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I. DECLARATION MADE UPON RATIFICATION OF THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA*

OMAN

Declaration made upon ratification

[Original: Arabic]

Pursuant to the provisions of article 310 of the Convention and further to the earlier declaration by the Sultanate of Oman dated 1 June 1982 concerning the establishment of straight baselines at any point on the coastline of the Sultanate of Oman and the lines enclosing waters within inlets and bays and waters between islands and the coastline, in accordance with article 2 (c) of Royal Decree No. 15/81 and in view of the desire of the Sultanate of Oman to bring its laws into line with the provisions of the Convention, the Sultanate of Oman issues the following declarations:

Declaration No. 1, on the territorial sea

1. The Sultanate of Oman determines that its territorial sea, in accordance with article 2 of Royal Decree No. 15/81 dated 10 February 1981, extends 12 nautical miles in a seaward direction, measured from the nearest point of the baselines.

2. The Sultanate of Oman exercises full sovereignty over its territorial sea, the space above the territorial sea and its bed and subsoil, pursuant to the relevant laws and regulations of the Sultanate and in conformity with the provisions of this Convention concerning the principle of innocent passage.

Declaration No. 2, on the passage of warships through Omani territorial waters

Innocent passage is guaranteed to warships through Omani territorial waters, subject to prior permission. This also applies to submarines, on condition that they navigate on the surface and fly the flag of their home State.

Declaration No. 3, on the passage of nuclear-powered ships and the like through Omani territorial waters

With regard to foreign nuclear-powered ships and ships carrying nuclear or other substances that are inherently dangerous or harmful to health or the environment, the right of innocent passage, subject to prior permission, is guaranteed to the types of vessel, whether or not warships, to which the descriptions apply. This right is also guaranteed to submarines to which the descriptions apply, on condition that they navigate on the surface and fly the flag of their home State.

The following States have also formulated declarations made upon ratification: Brazil, Cape Verde, Cuba, Egypt, Guinea-Bissau, Iceland, Kuwait, Philippines, Tunisia, United Republic of Tanzania, Yugoslavia. For the text of these declarations see Status of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.85.V.5 and Current Developments in State Practice (United Nations publication, Sales No. E.87.V.3), and Current Developments in State Practice No. II (United Nations publication, Sales No. E.89.V.7).

Declaration No. 4, on the contiguous zone

The contiguous zone extends for a distance of 12 nautical miles measured from the outer limit of the territorial waters, and the Sultanate of Oman exercises the same prerogatives over it as are established by the Convention.

Declaration No. 5, on the exclusive economic zone

1. The Sultanate of Oman determines that its exclusive economic zone, in accordance with article 5 of Royal Decree No. 15/81 dated 10 February 1981, extends 200 nautical miles in a seaward direction, measured from the baselines from which the territorial sea is measured.
2. The Sultanate of Oman possesses sovereign rights over its economic zone and also exercises jurisdiction over that zone as provided for in the Convention. It further declares that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard to the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

Declaration No. 6, on the continental shelf

The Sultanate of Oman exercises over its continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources, as permitted by geographical conditions and in accordance with this Convention.

Declaration No. 7, on the procedure chosen for the settlement of disputes under the Convention

Pursuant to article 287 of the Convention,

The Sultanate of Oman declares its acceptance of the jurisdiction of the International Tribunal for the Law of the Sea, as set forth in annex VI to the Convention, and the jurisdiction of the International Court of Justice, with a view to the settlement of any dispute that may arise between it and another State concerning the interpretation or application of the Convention.

II. LEGAL INFORMATION RELEVANT TO THE 1982 UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

Recent national legislation received from Governments

1. ALBANIA

Decree No. 7366 to Modify Decree No. 4650, dated 9 March 1990,
on the State Border of the People's Socialist Republic of Albania ^{1/}

[Original: English]

Article 1

The first paragraph, article 4, of Decree No. 4650, dated 9 March 1970,
should be modified as follows:

"The territorial waters of the People's Socialist Republic of Albania
are extended along the entire coastline over a width of 12 nautical miles
(22,224 m), beginning with the basic straight line running from Rodon Cape
(Muzhli), Palla Cape, Lagji Cape (Turra Castle), Seman Cape, the Josa
river estuary, the north-eastern shore of Sazan Island, Gjuheza and Grama
Gulf Cape, then between the Albanian shore and the Greek islands up to the
middle of the Corfu Channel. The width of the territorial waters from the
Buna river estuary to the Rodon Cape is extended up to the
Albanian-Yugoslav border line."

Article 2

This decree enters into force 15 days following its publication in the
Official Newspaper.

^{1/} A/45/261, annex.

2. ARGENTINA

Act No. 23.968 of 14 August 1991*

[Original: Spanish]

Article 1

The baselines of the Argentine Republic from which its maritime areas shall be measured shall be the normal and straight baselines as defined in the list appearing in annex I to this Act and drawn on the charts which are referred to in the Act and contained in annex II. 1/

These baselines shall include the lines joining the headlands which form the mouths of the gulfs of San Matías, Nuevo and San Jorge, as laid down in article 1 of Act No. 17.094, and the line marking the outer limit of the Rio de la Plata and the corresponding maritime boundary of 19 November 1973.

The baselines of the Argentine Antarctic Sector, over which the Republic has sovereign rights, shall be established by a subsequent Act.

Article 2

The waters situated within the baselines established pursuant to article 1 of this Act shall form part of the internal waters of the Argentine Republic.

Article 3

The territorial sea of Argentina shall extend to a distance of twelve (12) nautical miles from the baselines established in article 1 of this Act.

Argentina shall enjoy and exercise full sovereignty over the territorial sea as well as over its airspace, the seabed and the subsoil.

Ships of third States shall enjoy the right of innocent passage through the territorial sea, provided that such passage complies with the provisions of international law and the laws and regulations adopted by the Argentine Republic in its capacity as the coastal State.

* Translation provided by the United Nations Secretariat.

1/ Annex I is available in the Division for Ocean Affairs and the Law of the Sea; annex II is not available.

Article 4

The contiguous zone of Argentina shall extend beyond the outer limit of the territorial sea to a distance of twenty-four (24) nautical miles from the baselines established in article 1 of this Act.

In exercising its jurisdiction over this zone, Argentina may prevent and punish infringements of its fiscal, sanitary, customs and immigration laws or regulations within its territory or territorial sea.

Article 5

The exclusive economic zone of Argentina shall extend beyond the outer limit of its territorial sea to a distance of two hundred (200) nautical miles from the baselines established in article 1 of this Act.

In the exclusive economic zone, Argentina shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.

National provisions concerning the conservation of resources shall apply beyond the two hundred (200) nautical mile zone in the case of migratory species or species which form part of the food chain of species of the exclusive economic zone of Argentina.

Article 6

The continental shelf, over which Argentina has sovereignty, shall include the seabed and the subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of two hundred (200) nautical miles from the baselines established in article 1 of this Act where the outer edge of the continental margin does not extend up to that distance.

Article 7

The outer limits of the maritime areas referred to in articles 3, 4 and 5 shall be defined by reference to their distance from the baselines established in article 1 of this Act.

"Nautical mile" means the international nautical mile, which is equivalent to one thousand eight hundred and fifty-two (1,852) metres.

Article 8

The Naval Hydrography Service shall prepare and update the charts showing the limits established in articles 1, 3, 4 and 5 of this Act, so that they may be duly published following approval by the Ministry of Foreign Affairs and Worship.

Article 9

In the maritime areas defined herein, the Argentine Republic shall retain the exclusive right to construct, authorize and regulate the construction, operation and use of all kinds of installations and structures, over which it shall have exclusive jurisdiction, with respect also to matters relating to its fiscal, customs, sanitary and immigration laws and regulations.

Article 10

Articles 585, 586, 587 and 588 of Act No. 22.415 (Customs Code) shall be amended as follows:

Article 585 - Products extracted from the territorial sea or exclusive economic zone of Argentina, or from the seabed or subsoil thereof subject to its national sovereignty, of products derived therefrom, and intended for shipment overseas or to a free zone shall be considered as consumer exports from the general customs territory.

Article 586 - Consumer imports into the general or special customs territory of products originating from the territorial sea or exclusive economic zone of Argentina, or from the seabed or subsoil thereof subject to its national sovereignty, shall be exempt from payment of the relevant taxes and from the application of prohibitions of an economic nature.

Article 587 - Consumer exports from the general or special customs territory to the territorial sea or exclusive economic zone of Argentina, or seabed or subsoil thereof subject to its national sovereignty, shall be exempt from payment of the relevant taxes and from the application of prohibitions if such products are intended for use or consumption as part of an activity involving exploration, exploitation, cultivation, processing, mixing or any other type of operation to be carried out in these areas.

Article 588 - With regard to all or part of the territorial sea or exclusive economic zone of Argentina, or the seabed or subsoil thereof subject to its national sovereignty, the Executive may introduce full or partial application of the general procedures, customs governing and prohibitions on the entry of products from overseas or from a free zone.

Article 11

The present Act shall be transmitted to the Executive Alberto R. Pierri - Eduardo Menem - Juan Estrada - Hugo R. Flombaum.

DONE in the Chamber of the Argentine Congress in Buenos Aires, this fourteenth day of August, one thousand nine hundred and ninety-one.

3. AUSTRALIA

Proclamation to establish Australia's Territorial Sea of 13 November 1990*

[Original: English]

The Permanent Mission of Australia to the United Nations presents its compliments to the Secretary-General of the United Nations and wishes to advise that, on 20 November 1990, Australia's territorial sea was extended, by Proclamation, from 3 nautical miles to 12 nautical miles. This action was taken in terms consistent with article 3 of the 1982 United Nations Convention on the Law of the Sea.

Following is the text of a news release from the Minister for Foreign Affairs and Trade and the Attorney-General, issued today, 13 November 1990:

"The Minister for Foreign Affairs and Trade, Senator Gareth Evans, and the Attorney-General, Michael Duffy, announced today that the Government had agreed to extend Australia's territorial sea from 3 nautical miles to 12 nautical miles.

"The Ministers said that the right to a 12 nautical mile territorial sea was well established internationally and significant advantages would flow to Australia from extending Australia's sovereignty over its water, seabed and airspace out to 12 nautical miles.

"It will allow us more effectively to control Australia's marine environment and its living and non-living resources. The ability to enforce oil and other marine pollution measures, as well as regulated navigation, in our extended 12 nautical mile territorial sea, will be another safeguard in protecting such valuable areas as the Great Barrier Reef', the Ministers said.

"It will also provide Australia with considerable defence, customs and quarantine advantages as we will now be able to exercise our sovereignty, consistent with international law, out to 12 nautical miles.

"The Ministers also said that the 1979 offshore constitutional settlement with the state governments would not be affected by the decision. It was agreed at that time that these arrangements were to apply only to the 3 nautical mile territorial sea, irrespective of whether Australia subsequently moved to a 12 nautical mile territorial sea.

"A proclamation extending Australia's territorial sea to 12 nautical miles will be issued under the Seas and Submerged Lands Act, with effect from 20 November 1990', the Ministers said."

* Communicated by the Permanent Mission of Australia to the United Nations in Note Verbale No. 269/90, dated 29 November 1990.

4. BELIZE

An Act to make provision with respect to the Territorial Sea,
Internal Waters and the Exclusive Economic Zone of Belize; and
for matters connected therewith or incidental thereto of
24 January 1992

Maritime Areas Act
Arrangements of Sections

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SCHEDULE

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:

PART I
PRELIMINARY

Short Title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1992;
- (2) This Act shall come into operation upon such date as the Minister may by Order published in the Gazette appoint.

Interpretation

2. In this Act:

"baseline" means the baseline from which the breadth of the territorial sea is measured as described in Section 4;

"equidistance line", as between Belize and an adjacent State, means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State;

"exclusive economic zone" means the exclusive economic zone of Belize as described in Section 6 and, to the extent that Section 7 applies, as delimited pursuant to Section 7;

"foreign vessel" means a vessel that is not registered as a Belizean ship under the Registration of Merchant Ships Act, 1989 (Belize);

"foreign State" means a State other than Belize;

"fringing reefs" means reefs attached directly to, or located in the immediate vicinity of, the coast or any coastal lagoon;

"internal waters" means the internal waters of Belize as described in Section 5;

"island" means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides;

"low-tide elevation" means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides;

"maritime areas of Belize" means the internal waters, the territorial sea, and the exclusive economic zone;

"master", in relation to vessel, means the person for the time being having command or charge of the vessel;

"Minister" means the Minister responsible for foreign affairs;

"nautical mile" means the international nautical mile of 1852 metres;

"resources" includes living and non-living resources;

"territorial sea" means the territorial sea of Belize as described in Section 3;

"the Regulations" means regulations made under this Act.

PART II
MARITIME AREAS OF BELIZE

Territorial sea

3. (1) Subject to sub-sections (2) and (3) of this Section, the territorial sea of Belize comprises those areas of the sea having, as their inner limits, the baseline of the territorial sea and, as their outer limits, a line measured seaward from that baseline, every point of which is 12 nautical miles from the nearest point of that baseline.

(2) Subject to sub-section (3) below, the territorial sea of Belize from the mouth of Sarstoon River to Ranguana Caye comprises those areas of the sea having as their inner limits the baseline of the territorial sea as measured from the features listed in the Schedule to this Act, and as their outer limits, a line measured seaward from that baseline every point of which is 3 nautical miles from the nearest point of that baseline.

(3) (a) For the avoidance of doubt it is hereby declared that the purpose of the limitation of the territorial sea from the mouth of Sarstoon River to Ranguana Caye as described in sub-section (2) above is to provide a framework for the negotiation of a definitive agreement on territorial differences with the Republic of Guatemala.

(b) Any such agreement as is referred to in (a) above shall be put to a referendum by the electors for their approval or otherwise, and if approved by a majority vote, shall form the basis for the final delimitation of the territorial sea in the area of the sea from the mouth of Sarstoon River to Ranguana Caye.

(c) In the event any such agreement fails to receive approval by a majority vote in the referendum, the delimitation of the territorial sea in the said area shall be effected on the basis of international law.

(4) Except as is otherwise provided in sub-sections (2) and (3) above, wherever the equidistance line between Belize and an adjacent State is less than 12 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the territorial sea shall, if possible, be effected by agreement between Belize and the adjacent State; but to the extent that if no such agreement is effected, that equidistance line shall constitute the outer limits of the territorial sea.

Baseline of territorial sea

4. (1) Except as otherwise provided in sub-sections (2), (3) and (4) of this Section, the baseline from which the breadth of the territorial sea adjacent to Belize is measured shall be the low-water line along the coast of the mainland of Belize as well as the coasts of all islands and cayes that form part of Belize.

(2) For the purposes of this Section a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.

(3) (a) The baseline from which the breadth of the territorial sea is measured between Ambergris Caye - SE and Sarstoon River shall consist of the series of loxodromes drawn so as to join successively, in the order in which they are there set out, points situated on the low-water line on or adjacent to the features listed in the Schedule to this Act.

(b) The provisions of sub-section (3) (a) of this Section shall be without prejudice to the operation of paragraphs (1) and (2) of this Section in relation to any island or low-tide elevation which for the purposes of those sub-sections is treated as if it were an island, being an island or low-tide elevation which lies to seaward of the baseline specified in sub-section (3) (a) of this Section.

(4) (a) In the case of the sea adjacent to a coast off which there are fringing reefs, the baseline from which the breadth of the territorial sea is measured shall be the seaward limit of the low-water line of the fringing reefs.

(b) Where there is a break or passage through the fringing reefs referred to in sub-section (4) (a) of this Section, the baseline from which the breadth of the territorial sea is measured shall be a straight line joining the seaward entrance points of that break or passage.

(5) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installations and artificial islands shall not be considered as permanent harbour works.

Internal waters

5. The internal waters of Belize comprise any areas of water that are on the landward side of the baseline of the territorial sea.

Exclusive economic zone

6. Subject to Section 7, the exclusive economic zone of Belize comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line, measured seaward from the baseline of the territorial sea, every point of which is 200 nautical miles distant from the nearest point of that baseline.

Delimitation of exclusive economic zone

7. (1) Wherever the equidistance line between Belize and an adjacent State is less than 200 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the exclusive economic zone shall be effected between Belize and the adjacent State on the basis of international law in order to achieve an equitable settlement.

(2) Pending the delimitation of the exclusive economic zone pursuant to sub-section (1) of this Section, the equidistance line between Belize and the adjacent State shall constitute the outer limits of the exclusive economic zone.

(3) Subject to sub-section (4) of this Section, for the purpose of implementing any agreement under subsection (1) of this Section, the National Assembly may, from time to time, by Resolution supported by a two-thirds majority declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of Section 6, and such resolution, while it remains in force, shall have effect notwithstanding any other provision of this Act.

(4) Any agreement with the Republic of Guatemala made pursuant to sub-section (1) of this Section which provides that:

- (a) Belize shall claim less than what it is otherwise entitled to claim under international law; or
- (b) the exclusive economic zone of Belize shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of Section 6; or
- (c) there shall be joint exploitation or participation within Belize's exclusive economic zone

shall be subject to approval of the electors in a referendum.

PART III
RIGHTS IN RESPECT OF MARITIME AREAS OF BELIZE

Sovereignty in respect of territorial sea

8. The sovereignty in respect of:

- (a) the territorial sea;
- (b) the airspace over, and the seabed under, that sea; and
- (c) the subsoil of that seabed, is vested in Belize, and subject to international law, is exercisable by Belize.

9. Rights in respect of exclusive economic zone

Belize has and may exercise in respect of the exclusive economic zone:

- (a) sovereign rights
 - (i) for the purpose of fishing, navigation with respect to fishing, the exploration for, and exploitation, conservation and management of resources of the waters superjacent to the seabed and of the seabed and subsoil; and
 - (ii) for the production of energy from the waters, currents and winds;
- (b) jurisdiction with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) Maritime scientific research; and
 - (iii) the protection and preservation of the marine environment;
- (c) the right to construct and to authorize and regulate the construction, operation and use of:
 - (i) artificial islands;
 - (ii) installations and structures for the purposes provided for under paragraph (a) of this Section or for any other economic purposes;
 - (iii) installations and structures which may interfere with the exercise by Belize of rights in respect of the exclusive economic zone.

Prohibited activities

10. (1) No person shall:

(a) within the limits of the exclusive economic zone:

- (i) explore for or exploit the resources;
- (ii) produce energy from the waters, currents or winds;
- (iii) conduct any marine scientific research; or
- (iv) construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or purposes referred to in Section 9 (c) (ii), or which may interfere with the exercise of rights referred to in Section 9 (c) (iii); or

(b) within the limits of the territorial sea engage in any of the activities referred to in sub-section (1) (a) of this Section, except when authorized by, under or pursuant to this Act or any other enactment, or in any other lawful manner, to engage in the activity, and in accordance with the authorization.

(2) Any person who contravenes sub-section (1) of this Section is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars.

PART IV
INNOCENT PASSAGE

Interpretation

11. (1) In this Part, unless the context otherwise requires:

"competent authority", in relation to any provision in this Part, means the Minister, and any person, or person belonging to any class or description of persons, designated pursuant to sub-section (2) of this Section for the purposes of that provision;

"designated area of internal waters" means any area of internal waters for the time being designated under subsection (3) of this Section;

"prescribed activity" means:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Belize, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) any exercise or practice with weapons of any kind;
- (c) any act aimed at collecting information to the prejudice of the defence or security of Belize;
- (d) any act of propaganda aimed at affecting the defence or security of Belize;

- (e) the launching, landing or taking on board of any aircraft or military device;
- (f) the loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws;
- (g) any wilful act of pollution calculated or likely to cause damage or harm to Belize, its resources or its marine environment;
- (h) any fishing activities;
- (i) the carrying out of research or survey activities;
- (j) any act aimed at interfering with any system of communication or any other facilities or installations of Belize; or
- (k) such other activity as may be prescribed.

(2) The Minister may, by Regulation, designate any person, or class or description of persons, for the purposes of any provision of this Part; and the Minister may, in like manner, revoke any such designation.

(3) Where the Minister is satisfied that an area of internal waters enclosed by the baseline enacted in Section 4 (3) (a) was not considered to be internal waters prior to the commencement of this Act, he may so designate those waters by Regulation and the Minister, if he ceases to be so satisfied, may, in like manner, revoke the designation of those waters.

(4) Every Regulation made by the Minister under sub-section (3) above shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Innocent passage

12. (1) Every foreign vessel may, subject to and in accordance with this Section and international law, exercise the right under international law of innocent passage, that is to say, the right of passage by navigating through the territorial sea for the purpose of:

- (a) traversing the territorial sea without entering internal waters or calling at a roadstead or port facility outside internal waters;
- (b) proceeding to or from internal waters or a call at any such roadstead or port facility, where the passage is innocent; or
- (c) traversing internal waters, to or from the territorial sea, which had not previously been considered as such, where the passage is innocent.

- (2) The passage of a foreign vessel:
- (a) is innocent so long as it is not prejudicial to the peace, good order or security of Belize; and
 - (b) is deemed to be prejudicial to the peace, good order or security of Belize if the vessel, in the territorial sea, engages in any proscribed activity.
- (3) In exercising the right of innocent passage, a vessel shall comply with:
- (a) generally accepted international regulations, procedures and practices for safety at sea which have effect in the territorial sea, or any part thereof; and
 - (b) the provisions of the Regulations, and any enactment, order or direction, which have effect in the territorial sea, or any part thereof, for or with respect to:
 - (i) the safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation scheme;
 - (ii) the protection of navigational aids and facilities, and other facilities or installations;
 - (iii) the protection of cables and pipelines;
 - (iv) the conservation of resources;
 - (v) fishing and fisheries;
 - (vi) the preservation of the environment and the prevention, reduction and control of pollution;
 - (vii) marine scientific research and hydrographic surveying;
 - (viii) controls or prohibitions in relation to customs, excise, immigration or sanitation.
- (4) The Minister may, where he is satisfied that it is essential to do so for the protection of the security of Belize, including weapons exercises, by Regulation, suspend, for such period as is specified in the Regulation, the right of innocent passage through the territorial sea, or through any part of the territorial sea identified in the Regulation.

Engaging in proscribed activities prohibited

13. (1) No foreign vessel shall, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, engage in any proscribed activity.

(2) Where a foreign vessel, in contravention of sub-section (1) of this Section, engages in any proscribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars.

(3) No prosecution for an offence against this Section shall be brought against a person who is entitled to State or other immunity recognized by law.

PART V
CHARTS AND GEOGRAPHICAL COORDINATES

Charts of maritime areas

14. The Minister shall cause to be prepared such charts and/or lists of geographical coordinates as he thinks fit showing all or any of the following matters, namely:

- (a) the maritime areas of Belize or any part thereof;
- (b) the baseline of the territorial sea;
- (c) the outer limits of the exclusive economic zone; or
- (d) sea lanes or traffic separation schemes.

Evidence of charts

15. A document purporting to be certified by the Minister or by a person designated by him for this purpose to be a true copy of a chart or list of geographical coordinates prepared pursuant to Section 14, shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts

16. The Minister shall cause:

- (a) due publicity to be given to charts or lists of geographical coordinates prepared pursuant to Section 14; and
- (b) a copy of each such chart or list of geographical coordinates to be deposited with the Secretary-General of the United Nations.

PART VI
JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

17. (1) Notwithstanding any other law, rule or regulation to the contrary the jurisdiction and powers of the courts of Belize extend to the maritime areas of Belize for the purpose of:

- (a) this Act or any regulation made thereunder; and
- (b) any enactment which applies or is applied pursuant to Section 23 to maritime areas of Belize, or any part thereof.

(2) For the purposes of the exercise of any jurisdiction and powers pursuant to sub-section (1) of this Section, a court is a court of competent jurisdiction:

- (a) for the purpose of any criminal proceedings, if it would have cognisance of the offence concerned if it had been committed within the limits of its ordinary criminal jurisdiction; and
- (b) for the purposes of any proceedings, other than criminal proceedings, if it would have jurisdiction if the act, omission or other matter giving rise to the proceedings had occurred or arisen within the limits of its ordinary jurisdiction.

(3) The Minister, after consultation with the Attorney-General, may make rules for carrying out or giving effect to this Section.

(4) The jurisdiction and powers conferred by this Section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a Court of Belize.

Apprehension of certain offenders

18. (1) Subject to this Section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against Section 10, he may exercise all or any of the following powers, namely:

- (a) within the maritime areas of Belize, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;
- (b) arrest, with or without a warrant, any person on board the vessel, or on the installation, referred to in sub-section (1) (a) of this Section or found elsewhere in Belize, whom he has reasonable cause to believe has committed an offence against that Section;
- (c) detain the vessel, referred to in sub-section (1) (a) of this Section if he has reasonable cause to believe that an offence against that Section has been committed by the owner or master of the vessel; and

- (d) enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that Section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Belize, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this Section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against Section 13, he may, within the territorial sea, exercise all or any of the following powers, namely:

- (a) stop, board, inspect and search the foreign vessel which, in contravention of that Section, engages in any proscribed activity;
- (b) arrest, with or without a warrant, the master of the vessel;
- (c) arrest, with or without a warrant, any other person on board the vessel whom he has reasonable cause to believe has committed an offence against that Section; and
- (d) detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by sub-sections (1) and (2) of this Section with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1) (c) or sub-section (2) (d) of this Section, it shall be held in the custody of the Government until:

- (a) a decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained; or
- (b) where a decision is made to bring such a prosecution, the security required under sub-section (6) of this Section is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of sub-section (4) of this Section shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The power under sub-section (1) or (2) of this Section shall not be exercised in relation to a vessel that is, or in relation to a person who is, entitled to State or other immunity recognized by law.

(8) The powers and rights under this Section are in addition to and not in derogation of any other powers and rights which Belize may have under international law or otherwise.

(9) In the exercise under this Section of the power of enforcement against a foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

(10) In this Section:

"authorized person" means a person, or person belonging to a class or description of persons, designated for the purposes of this Section by the Minister by Regulation made under this Section and published in the Gazette;

"owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.

Arrest on board foreign vessel in territorial sea

19. (1) Subject to this Section, where an offence is committed on board a foreign vessel (being a merchant ship or government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the vessel during that passage, only if:

- (a) the consequences of the offence extend to Belize;
- (b) the offence is of a kind likely to disturb the peace of Belize or the good order of the territorial sea;
- (c) the assistance of the Government or any public officer has been requested by the master of the foreign vessel or by a diplomatic agent or consular officer of the relevant foreign State; or
- (d) it is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances, or weapons.

(2) The limitations in sub-section (1) of this Section shall not apply in any case where a foreign vessel is passing through the territorial sea after leaving internal waters.

(3) Subject to this Section, where a foreign vessel proceeding from a port outside Belize is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

- (a) there are grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:
 - (i) applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or

(ii) any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and

(b) there:

(i) are clear grounds for believing that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or

(ii) is clear evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline or barrier reef of Belize, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this Section shall affect the exercise of any power under Section 18.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in sub-sections (1) or (3) of this Section shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in sub-section (8) (a) of this Section shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in sub-section (3) (a) of this Section has occurred.

(7) The prescribed power referred to in sub-section (8) (a) of this Section shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Belize, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this Section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

(a) for the purposes of sub-section (3) (b) (i) of this Section, includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in sub-section (3) (a) of this Section; and

(b) for the purposes of sub-section (3) (b) (i) of this Section, includes a power to detain a vessel.

Certificate of Minister

20. Where, in any criminal proceedings, a question arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea or the exclusive economic zone, a certificate, purporting to be signed by the Minister, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

Civil jurisdiction

21. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the exclusive economic zone in connection with:

- (a) the exploration for or exploitation of resources;
- (b) the conduct of any research activities;
- (c) the establishment, construction, operation or use of any artificial islands, installation or structure;
- (d) the laying of cables or pipelines; or
- (e) the production of energy from the waters, currents or winds,

may be dealt with by a court of competent jurisdiction.

(2) Sub-section (1) of this Section shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside Belize.

(3) The jurisdiction conferred by this Section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Belize.

Civil jurisdiction in relation to foreign vessels in territorial sea

22. (1) No foreign vessel passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the vessel.

(2) Subject to sub-section (3) of this Section, no person shall arrest or levy execution against a foreign vessel passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the vessel in the course or for the purpose of its voyage through the territorial sea.

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

Application of enactments to maritime area

23. (1) The Minister may, by regulations made under Section 24, extend to the maritime areas of Belize, or any part thereof, the application of any enactment, subject to:

- (a) the limitations (if any); and
- (b) modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly.

(2) The power under sub-section (1) of this Section includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under Section 9.

PART VII
MISCELLANEOUS

Regulations

24. (1) The Minister may make regulations for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the foregoing, regulations may be made with respect to the territorial sea for all or any of the following purposes, namely:

- (a) regulating the conduct of scientific research and hydrographic surveying within the territorial sea;
- (b) prescribing measures for the protection and preservation of the marine environment of the territorial sea;
- (c) regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations, and structures;
- (d) regulating the exploration and exploitation of the territorial sea for the production of energy from the water, current, and winds, and for any other economic purposes;
- (e) providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of Belize in relation to the territorial sea; and
- (f) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act.

(3) Without prejudice to the generality of subsection (1), regulations may be made with respect to the exclusive economic zone for all or any of the following purposes, namely:

- (a) regulating the conduct of scientific research within the exclusive economic zone;
- (b) prescribing measures for the protection and preservation of the marine environment of that zone;
- (c) regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that zone, including the establishment of safety zones around but not exceeding 500 metres' distance from, such islands, installations and structures;
- (d) regulating the exploration and exploitation of that zone for economic purposes;
- (e) regulating the exploration and exploitation of that zone for the production of energy from the water, currents, and winds;
- (f) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Belize in relation to that zone; and
- (g) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act.

(4) Regulations may be made with respect to the investigation and institution of proceedings in respect of any discharge from a vessel outside the maritime areas of Belize in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

(5) The regulations may provide that a breach of any of the regulations shall be a criminal offence, and may provide for the imposition of a penalty (not exceeding twenty thousand dollars) for any such offence.

(6) The power under this Section to make regulations may be exercised:

- (a) either in relation to all of the cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or class or description of cases; and
- (b) so as to make, with respect to all cases in relation to which it is exercised:
 - (i) the same provision for all those cases, or different provisions for different cases or classes or description of cases, or different provisions with respect to the same case or class or description of cases for different purposes of this Act; or

- (ii) any such provision either unconditionally or subject to any specified condition.

(7) Any regulation made pursuant to this Section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Provisions of this Act to apply notwithstanding other laws

25. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, rule or regulation.

Printed in Belize by the Government Printery

SCHEDULE

(Sections 3 & 4)

Features between Ambergris Caye - SE and Sarstoon River

Ambergris Caye - SE
Mauger Caye
Sandbore Caye
Half-Moon Caye
North-East Caye
Silk Cayes
Black Rock
Nicholas Caye
Hunting Caye
Ragged Caye
East Snake Caye
South Snake Caye
Moho Caye
Stuart Caye
Rio Grande - South Entrance
Orange Point
Mother Point
Sarstoon River

5. CHINA

Law on the Territorial Sea and the Contiguous Zone of 25 February 1992 1/

The Law on the Territorial Sea and the Contiguous Zone of the People's Republic of China, adopted at the 24th meeting of the Standing Committee of the National People's Congress on 25 February 1992.

Article 1

This law is formulated in order to enable the People's Republic of China (PRC) to exercise its sovereignty over its territorial sea and its rights to exercise control over its contiguous zone, and to safeguard State security as well as its maritime rights and interests.

Article 2

The PRC's territorial sea refers to the waters adjacent to its territorial land.

The PRC's territorial land includes the mainland and its offshore islands, Taiwan and the various affiliated islands including Diaoyu Island, Penghu Islands, Dongsha Islands, Xisha Islands, Nansha (Spratly) Islands and other islands that belong to the People's Republic of China.

The PRC's internal waters refer to the waters along the baseline of the territorial sea facing the land.

Article 3

The extent of the PRC's territorial sea measures 12 nautical miles from the baseline of the territorial sea. The PRC's baseline of the territorial sea is designated with the method of straight baselines, formed by joining the various base points with straight lines.

The outer limit of the PRC's territorial sea refers to the line, every point of which is at a distance of 12 nautical miles from the nearest point of the baseline of the territorial sea.

Article 4

The PRC's contiguous zone refers to the waters that are outside of, but adjacent to, its territorial sea. The extent of the contiguous zone has a width of 12 nautical miles.

The outer limit of the PRC's contiguous zone is a line, every point of which has a nearest distance of 24 nautical miles from the baseline from which the territorial sea is measured.

1/ International Affairs, FBIS-CHI-92-040, 28 February 1992.

Article 5

The People's Republic of China exercises sovereignty over its territorial sea and the airspace over the territorial sea, as well as its seabed and subsoil.

Article 6

Non-military foreign ships enjoy the right of innocent passage through the territorial sea of the People's Republic of China according to law.

To enter the territorial sea of the People's Republic of China, foreign military ships must obtain permission from the Government of the People's Republic of China.

Article 7

While passing through the territorial sea of the People's Republic of China, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flags.

Article 8

While passing through the territorial sea of the People's Republic of China, foreign ships shall abide by the laws and regulations of the People's Republic of China and shall not impair the peace, security and good order of the People's Republic of China.

Foreign nuclear-powered ships and other ships carrying nuclear, toxic or other dangerous substances must carry certain documents and observe special precautionary measures when they pass through the territorial sea of the People's Republic of China.

The Government of the People's Republic of China has the right to adopt all necessary measures to prevent and stop the passage of a ship which is not innocent through its territorial sea.

Foreign ships which violate the laws and regulations of the People's Republic of China shall be dealt with according to law by relevant departments of the People's Republic of China.

Article 9

To ensure the safety of navigation and satisfy other requirements, the Government of the People's Republic of China may require foreign ships passing through its territorial sea to use the designated sea lane or prescribed traffic separation scheme. Concrete methods should be issued by the Government of the People's Republic of China or its relevant responsible departments.

Article 10

The relevant responsible organs of the People's Republic of China shall have the right to order an immediate eviction of foreign military ships or ships owned by foreign Governments and operated for non-commercial purposes that violate the laws or regulations of the People's Republic of China while

passing through the territorial sea of the People's Republic of China. Losses or damage caused shall be borne by the nations whose flag is being flown by the ship in question.

Article 11

Any international, foreign organization, or individual who intends to conduct activities connected with scientific research or marine survey shall first seek the consent of the People's Republic of China or its relevant responsible departments and abide by the laws and regulations of the People's Republic of China.

Whoever is found illegally entering the territorial sea of the People's Republic of China to conduct activities connected with scientific research or marine survey in violation of the preceding provisions shall be dealt with by the relevant organs of the People's Republic of China according to law.

Article 12

Foreign aircraft may not enter the air above the territorial sea of the People's Republic of China unless they do so in accordance with agreements or accords which the Governments of their countries have signed with the Government of the People's Republic of China, or they have been approved or accepted by the Government of the People's Republic of China or organs it has authorized.

Article 13

The People's Republic of China has the authority to exercise powers within its contiguous zone for the purpose of preventing or punishing infringement of its security, customs, fiscal sanitary laws and regulations or entry-exit control within its land territories, internal waters or territorial sea.

Article 14

When competent authorities of the People's Republic of China have good reasons to believe that a foreign ship has violated the laws and regulations of the People's Republic of China, they may exercise the right of hot pursuit.

The hot pursuit commences when the foreign ship, or one of its small boats, or other craft working as a team and using the ship pursued as a mother ship is within the limits of the internal waters, territorial sea or contiguous zone of the People's Republic of China.

If the foreign ships are in the contiguous zone of the People's Republic of China, the hot pursuit may proceed only when the rights of the relevant laws and regulations set forth in article 13 above have been violated.

As long as the hot pursuit is not interrupted, it may continue outside the territorial sea of the People's Republic of China or the contiguous zone. The hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third country.

The right of hot pursuit in this article is exercised by warships or military aircraft of the People's Republic of China, or by ships or aircraft authorized by the Government of the People's Republic of China to that effect.

Article 15

The baseline of the territorial sea of the People's Republic of China shall be established by the Government of the People's Republic of China.

Article 16

The Government of the People's Republic of China shall draw up relevant regulations in accordance with this law.

Article 17

This law becomes effective upon promulgation.

6. EGYPT

Baselines of the maritime areas

Note verbale dated 2 May 1990 from the Permanent Representative of the Arab Republic of Egypt to the United Nations addressed to the Secretary-General

[Original: Arabic]

The Permanent Representative of the Arab Republic of Egypt to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the Arab Republic of Egypt, upon ratification of the United Nations Convention on the Law of the Sea, has deposited a declaration establishing the breadth of its territorial sea at 12 nautical miles, which is in line with the provisions of article 3 of the Convention. In the declaration, the Arab Republic of Egypt was committed to publish charts showing the baselines from which the breadth of its territorial sea in the Mediterranean Sea and in the Red Sea is measured, as well as the lines marking the outer limit of the territorial sea, in accordance with usual practice.

In this connection, the Permanent Representative of the Arab Republic of Egypt to the United Nations is pleased to attached herewith a letter signed by H.E. Dr. Ahmed Esmat Abdel-Meguid, Deputy Prime Minister and Minister for Foreign Affairs, addressed to Your Excellency, to which is attached Presidential Decree No. 27/90 signed by H.E. Mr. Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, on 9 January 1990, concerning the baselines from which the maritime areas in the Arab Republic of Egypt are measured, and to which is annexed a list of geographical coordinates of points specifying the Geodetic Datum. Such list shows the straight baselines from which the maritime areas under the sovereignty and jurisdiction of the Arab Republic of Egypt are measured, including its territorial sea in the Mediterrean Sea as shown in annex I of the Presidential Decree and in the Red Sea as shown in annex II of the Presidential Decree.

Furthermore, the Permanent Representative of the Arab Republic of Egypt wishes to report that the Arab Republic of Egypt has published the attached Presidential Decree, and accordingly it has entered into force in Egypt.

The Permanent Representative of the Arab Republic of Egypt wishes to deposit the attached Presidential Decree with the Secretary-General of the United Nations in accordance with article 16 of the United Nations Convention of the Law of the Sea.

Letter dated 2 May 1990 from the Deputy Prime Minister and Minister for
Foreign Affairs of the Arab Republic of Egypt addressed to the
Secretary-General

[Original: Arabic]

Sir,

Inasmuch as the Arab Republic of Egypt is anxious to fulfil the international obligations arising out of its signature, in 1982, and its ratification, in 1983, of the United Nations Convention on the Law of the Sea; in accordance with Part II of the said Convention; and since article 16 of this Convention requires that coastal States shall give due publicity to lists of geographical coordinates relating to their territorial sea and shall deposit a copy thereof with the Secretary-General of the United Nations, I have the honour to transmit to you herewith a copy of Decree No. 27 (1990) of the President of the Arab Republic of Egypt, issued on 9 January 1990, concerning the baselines from which the maritime areas of the Arab Republic of Egypt are measured, with a list of the geographical coordinates of all points, specifying the geodetic datum (Mercator projection), which represent the straight baselines from which the maritime areas coming under the sovereignty and rule of the Arab Republic of Egypt, including its territorial sea, are measured:

1. In the Mediterranean Sea, in accordance with annex 1 of the Presidential Decree;
2. In the Red Sea, in accordance with annex 2 of the Presidential Decree.

I am also pleased to inform you that the Arab Republic of Egypt has published the Republican Decree and its annexes and the Decree has entered into force.

(Signed) Ahmed Esmat ABDEL MEGUID
Deputy Prime Minister
and
Minister for Foreign Affairs

Decree of the President of the Arab Republic of Egypt

No. 27 (1990)

Concerning the baselines of the maritime areas
of the Arab Republic of Egypt, 9 January 1990

[Original: Arabic]

Article 1

The maritime areas coming under the sovereignty and rule of the Arab Republic of Egypt, including its territorial sea, shall be measured from the straight baselines connecting all the points defined by the coordinates referred to in article 2.

Article 2

The coordinates referred to in article 1, in accordance with the geodetic datum (Mercator projection), are:

1. In the Mediterranean Sea, in accordance with annex 1, which constitutes an inseparable part of this Decree;
2. In the Red Sea, in accordance with annex 2, which constitutes an inseparable part of this Decree.

Article 3

The lists of coordinates referred to in article 2 of this Decree shall be published in accordance with the rules customarily followed in this regard and shall be notified to the Secretary-General of the United Nations.

Article 4

This Decree shall be published in the Official Gazette.

ANNEX I

I. The Mediterranean Sea

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
1	31°	40'	30"	25°	08'	56"
2	31°	34'	24"	25°	10'	48"
3	31°	30'	56"	25°	14'	30"
4	31°	30'	12"	25°	19'	55"
5	31°	38'	00"	25°	53'	24"
6	31°	36'	18"	26°	14'	24"
7	31°	31'	18"	26°	38'	30"
8	31°	27'	12"	26°	59'	06"
9	31°	24'	30"	27°	03'	48"
10	31°	22'	12"	27°	21'	00"
11	31°	12'	36"	27°	28'	30"
12	31°	12'	00"	27°	38'	00"
13	31°	14'	48"	27°	51'	36"
14	31°	06'	12"	27°	55'	00"
15	31°	05'	30"	28°	25'	48"
16	31°	03'	18"	28°	35'	24"
17	30°	58'	30"	28°	49'	56"
18	30°	54'	54"	28°	54'	52"
19	30°	50'	36"	29°	00'	00"
20	30°	59'	54"	29°	23'	48"
21	31°	01'	48"	29°	31'	00"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
22	31°	08'	54"	29°	47'	18"
23	31°	12'	00"	29°	51'	42"
24	31°	12'	36"	29°	52'	30"
25	31°	19'	12"	30°	02'	54"
26	31°	21'	42"	30°	06'	24"
27	31°	30'	18"	30°	21'	18"
28	31°	30'	00"	30°	22'	42"
29	31°	27'	18"	30°	28'	18"
30	31°	36'	00"	31°	01'	42"
31	31°	36'	00"	31°	07'	00"
32	31°	35'	12"	31°	11'	24"
33	31°	33'	42"	31°	16'	12"
34	31°	26'	42"	31°	36'	00"
35	31°	29'	30"	31°	45'	18"
36	31°	32'	06"	31°	52'	00"
37	31°	32'	06"	31°	54'	12"
38	31°	30'	18"	31°	57'	24"
39	31°	20'	42"	32°	06'	42"
40	31°	18'	12"	32°	20'	30"
41	31°	03'	54"	32°	34'	12"
42	31°	08'	56"	32°	55'	36"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
43	31°	13'	12"	33°	04'	00"
44	31°	13'	48"	33°	06'	12"
45	31°	14'	12"	33°	08'	42"
46	31°	13'	36"	33°	13'	18"
47	31°	12'	00"	33°	20'	30"
48	31°	11'	06"	33°	23'	54"
49	31°	07'	06"	33°	32'	00"
50	31°	07'	42"	33°	43'	24"
51	31°	11'	54"	33°	58'	18"
52	31°	14'	36"	34°	05'	18"
53	31°	19'	24"	34°	13'	06"

ANNEX 2

II. The Red Sea

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
1	29°	29'	36"	34°	54'	18"
2	29°	29'	00"	34°	52'	12"
3	29°	26'	12"	34°	50'	48"
4	29°	25'	26"	34°	49'	48"
5	29°	22'	36"	34°	48'	12"
6	29°	22'	00"	34°	47'	18"
7	29°	20'	30"	34°	46'	36"
8	29°	18'	18"	34°	44'	24"
9	29°	13'	24"	34°	44'	30"
10	29°	11'	48"	34°	44'	00"
11	29°	10'	24"	34°	42'	48"
12	29°	09'	36"	34°	41'	30"
13	29°	02'	12"	34°	40'	12"
14	29°	00'	42"	34°	41'	03"
15	28°	59'	18"	34°	41'	10"
16	28°	58'	30"	34°	40'	48"
17	28°	58'	10"	34°	38'	56"
18	28°	56'	42"	34°	38'	12"
19	28°	55'	54"	34°	38'	42"
20	28°	51'	42"	34°	38'	48"
21	28°	50'	48"	34°	37'	42"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
22	28°	44'	03"	34°	37'	36"
23	28°	38'	24"	34°	34'	48"
24	28°	32'	28"	34°	31'	03"
25	28°	30'	00"	34°	31'	24"
26	28°	28'	24"	34°	30'	30"
27	28°	26'	20"	34°	27'	48"
28	28°	22'	54"	34°	27'	18"
29	28°	16'	24"	34°	24'	36"
30	28°	10'	00"	34°	27'	30"
31	28°	03'	24"	34°	26'	56"
32	27°	58'	48"	34°	26'	12"
33	27°	43'	12"	34°	15'	36"
34	27°	27'	12"	34°	02'	18"
35	27°	11'	24"	33°	59'	24"
36	26°	51'	06"	34°	00'	18"
37	26°	45'	42"	34°	04'	54"
38	26°	42'	42"	34°	06'	36"
39	26°	06'	36"	34°	17'	24"
40	25°	42'	30"	34°	35'	24"
41	25°	29'	42"	34°	41'	00"

<u>Sequence</u>	<u>Latitude (North)</u>			<u>Longitude (East)</u>		
42	25°	20'	48"	34°	51'	54"
43	24°	47'	18"	35°	11'	00"
44	24°	38'	18"	35°	11'	36"
45	24°	26'	00"	35°	22'	48"
46	24°	15'	18"	35°	39'	00"
47	24°	09'	42"	35°	43'	00"
48	23°	54'	12"	35°	47'	36"
49	23°	33'	48"	36°	20'	36"
50	22°	53'	12"	36°	20'	06"
51	22°	36'	30"	36°	35'	12"
52	22°	20'	18"	36°	39'	24"
53	22°	16'	12"	36°	48'	54"
54	22°	03'	48"	36°	53'	54"
55	22°	01'	30"	36°	53'	48"
56	22°	00'	00"	36°	52'	54"

7. FRANCE

Act No. 89-874 of 1 December 1989 concerning Maritime Cultural Assets and
Amending the Act of 27 September 1941 Regulating
Archaeological Excavations of 1 December 1989

[Original: French]

Article 1

Maritime cultural assets shall comprise deposits, wrecks, artefacts or in general all assets of prehistoric, archaeological or historical interest which are situated in the maritime public domain or on the seabed in the contiguous zone.

SECTION I

Maritime cultural assets situated in the maritime public domain

Article 2

Maritime cultural assets situated in the maritime public zone whose owner cannot be located shall be the property of the State. Assets whose owner has not been located within three years following the date on which their discovery was made public shall be the property of the State. The manner of making such discovery public shall be established by decree of the Council of State.

Article 3

Any person discovering a maritime cultural asset shall leave it in situ and shall not cause damage to it.

Such person shall, within 48 hours of the discovery or of arrival at the first port, report the asset to the Administrative Authority.

Article 4

Any person accidentally removing a maritime cultural asset from the maritime public domain as a result of works or any other public or private activity shall not let the asset out of his possession. The asset shall be reported to the Administrative Authority within the time-limit specified in article 3; it shall be deposited with the said authority within the same time-limit, or shall be kept at its disposal.

Article 5

Where an asset is reported more than once, the credit for its discovery shall go to the first person to report it.

Article 6

Any person discovering and reporting a maritime cultural asset ownership of which is assigned to the State under the provisions of article 2 shall be entitled to a reward of a kind or in an amount to be determined by the Administrative Authority.

Article 7

No one may engage in prospecting using specialized equipment for determining the location of a maritime cultural asset, or carry out excavations or drilling, without obtaining prior administrative authorization granted in the light of the applicant's qualifications and of the type and modalities of the search.

Any removal of an asset, or of samples from it, shall be subject to the granting of prior administrative authorization under the same terms.

The Administrative Authority may also conclude with individuals licensed for the purpose contracts to search for maritime cultural assets, remove them or remove samples therefrom.

Article 8

Excavations, drilling, prospecting and the removal of assets or samples shall be carried out under the effective direction of the person applying for and receiving the authorization referred to in article 7.

Article 9

Where the owner of a maritime cultural asset is known, his written consent shall be obtained before any action is taken with respect to the asset.

Article 10

When the conservation of a maritime cultural asset is jeopardized, the Minister responsible for culture may take ex officio, after notifying the owner if known, such conservation measures as the situation necessitates.

Article 11

The Minister responsible for culture may, after affording the owner an opportunity to submit his comments, proclaim the acquisition by the State of a maritime cultural asset situated in the maritime public domain to be in the public interest. Where the consent of the owner is not given, the proclamation of public interest shall be made by decree of the Council of State.

Transfer of ownership shall be decided by the ordinary law courts, subject to payment of an indemnity prior to the taking of possession. The said indemnity shall cover the entire amount of the direct, material and certain damage. Where amicable agreement is not reached, the indemnity shall be determined by the Court.

SECTION II

Maritime cultural assets situated in the contiguous zone

Article 12

Articles 3, 4, 5, 7, 8 and 9 of the present Act shall apply to maritime cultural property situated in a contiguous zone lying between 12 and 24 marine miles measured from the baselines of the territorial sea, subject to the provisions of delimitation agreements with neighbouring States.

Article 13

Any person discovering and reporting a maritime cultural asset belonging to the State and situated in the contiguous zone shall be entitled to a reward in an amount to be determined by the Administrative Authority.

SECTION III

Penal provisions

Article 14

Any person failing to comply with the reporting obligations provided for in articles 3, paragraph 2 and 4, of the present Act shall be liable to a fine of from 500 francs to 15,000 francs.

The same penalties shall apply to any person making a false declaration to the public authority regarding the place and composition of the deposit where the object reported was discovered.

Article 15

Any person conducting prospecting, drilling, sampling or excavations of maritime cultural assets or affecting the removal of such assets or of samples from them in violation of the provisions of articles 3 (para. 1), 7 and 8 of the present Act shall be liable to a fine of from 1,000 francs to 50,000 francs.

Article 16

Any person who knowingly sells or buys a maritime cultural asset removed from the maritime public domain or from the seabed in the contiguous zone in violation of the provisions of articles 3, 4, 7 and 8 of the present Act shall be liable to imprisonment for from one month to two years and to a fine of from 500 francs to 30,000 francs, or to one of these two penalties alone. The amount of the fine may be raised to double the price for which the asset was sold. The authority having jurisdiction may in addition order publication of

its decision in the press at the expense of the convicted person, the maximum cost of such publication not to exceed the amount of the fine incurred.

Article 17

Violations of the present Act shall be investigated and verified by officers and constables of the criminal investigation department, deputy constables of the criminal investigation department, administrators of maritime affairs, officers in the technical and administrative corps for maritime affairs, customs officials, agents of the minister responsible for culture specially sworn and commissioned for the purpose under terms established by decree of the Council of State, officers and petty officers commanding vessels of the national navy, inspectors of maritime affairs, fishery facility inspection technicians, coast signalmen, representatives of the seamen's registry and in addition, in the ports, port officers and deputy port officers.

Article 18

Reports drawn up by the reporting agents designated in article 17 of the present Act shall be deemed accurate unless proven otherwise. They shall be transmitted forthwith to the procureur de la République.

Article 19

Cases involving violations of the provisions of the present Act committed in the territorial sea or in the contiguous zone shall be heard by the Court competent either for the place where the violation was committed or for the place of residence of the person committing the violation or for the place where the latter was arrested or, failing that, by the tribunal de grande instance, Paris.

SECTION IV

Amendment of the Act of 27 September 1941 Regulating
Archaeological Excavations

Article 20

Article 19 of the above-mentioned Act of 27 September 1941 shall read as follows:

"Art. 19. Any person failing to comply with the reporting obligation provided for in article 14 or making a false report shall be liable to a fine of from 500 francs to 15,000 francs."

Article 21

Article 20 of the Act of 27 September 1941 referred to above shall read as follows:

"Art. 20. Any person conducting excavations in violation of the provisions of articles 1, 3, 6 and 15 shall be liable to a fine of from 1,000 francs to 50,000 francs."

Article 22

Article 21 of the Act of 27 September 1941 referred to above shall read as follows:

"Art. 21. Any person knowingly selling or buying any objects discovered in violation of articles 1, 6 and 15 or concealed in violation of articles 3 and 14 shall be liable to imprisonment for from one month to two years and to a fine of from 500 francs to 30,000 francs, or to one of the two penalties above. The amount of the fine may be raised to double the price for which the asset was sold.

"The authority having jurisdiction may in addition order publication of its decision in the press at the expense of the convicted person, the maximum cost of such publication not to exceed the amount of the fine incurred."

SECTION V

Miscellaneous provisions

Article 23

The provisions of the present act shall, with the exception of section IV, apply in the territorial community of Mayotte.

Article 24

The terms of implementation of the present Act shall be established by decree of the Council of State. The present Act shall be implemented as a law of the State.

8. ISRAEL

Territorial Waters (Amendment) Law, 5750-1990 of
5 February 1990 1/

[Original: English]

Replacement of section 1

1. In the Territorial Waters Law, 5717-1956 (hereinafter referred to as "the principal Law"), section 1 shall be replaced by the following section:

"Definition of - 'territorial waters'

"1. (a) In section 3 of the Interpretation Law, 5741-1981, in the definition of 'territorial waters', the words 'six miles' shall be replaced by the words 'twelve nautical miles'.

"(b) Notwithstanding the provisions of section 1 of the Interpretation Law, 5741-1981, the definition of 'territorial waters' as enacted according to subsection (a) shall apply also to enactments and administrative directions issued before the coming into force of the said Law."

Amendment of section 2

2. In section 2 of the principal Law, the words "than six nautical miles" shall be replaced by the words "than twelve nautical miles" and the words "six nautical miles" shall be replaced by the words "twelve nautical miles".

1/ Entered into force on 14 February 1990.

3. JAMAICA

Act 33 of 1991 entitled "The Exclusive Economic Zone Act, 1991" 1/

Arrangement of Sections

1. Short title.
 2. Interpretation
 3. Establishment of Zone.
 4. Rights in and jurisdiction over Zone.
 5. Rights and duties of other States in Zone.
 6. Exploration for and exploitation of living resources of the Zone.
 7. Exploration for and exploitation of non-living resources of the Zone.
 8. Grant of licence for exploration for or exploitation of living or non-living resources of the Zone.
 9. Application of enactments to Zone.
 10. Extension of jurisdiction of the Courts and any other authority to Zone.
 11. Minister may make order regarding issue or revocation of licence.
 12. Person prejudiced by order of forfeiture may apply to Court for revocation.
 13. Powers and duties of Marine Officer.
 14. Procedure consequent on detention or seizure in the Zone.
 15. Diplomatic or consular officer to be informed regarding seizure of vessel.
 16. Provision regarding proceeds of sale and compensation.
 17. Proceedings against the Crown, marine Officer or person acting in his aid.
 18. Offences committed within the Zone.
 19. Other indictable offences.
 20. Minister may amend Schedule.
 21. Regulations.
 22. Modification of laws.
- SCHEDULE.
APPENDIX.

1/ The Jamaica Gazette Extraordinary, vol. CXIV, No. 71, Tuesday, 31 December 1991.

A BILL

Entitled

AN ACT to Establish beyond the territorial sea a Zone to be known as the Exclusive Economic Zone and to provide for matters incidental thereto or connected therewith.

[]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:

Preliminary

1. This Act may be cited as the Exclusive Economic Zone Act, 1991.

Interpretation

2. In this Act:

"Convention" means the United Nations Convention on the Law of the Sea signed in Montego Bay on the 15th day of December, 1982;

"fish" means any aquatic animal whether piscine or not and includes shellfish, turtle, mollusc, crustacean, coral, sponge, enchinoderms, their young and their eggs;

"living resources" includes fish and all other forms of aquatic life;

"Marine Officer" means any officer employed to the Customs and Excise Department, any game warden approved as such under the Wild Life Protection Act, any member or officer of the Jamaica Constabulary Force, any member or officer of the Jamaica Defence Force or any public officer designated a Fishery Inspector under the Fishing Industry Act and any other public officer designated a Marine Officer by the Minister;

Schedule

"scheduled enactment" means:

- (a) an enactment specified in the Schedule; or
- (b) regulations made under an enactment so specified,

containing provisions regulating an activity which, for the time being having regard to the circumstances of the case, is required to be authorized by licence;

"vessel" includes any canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with inboard or outboard motor or any other sea-going vessel, whether surface craft or submarine;

"Zone" means the Exclusive Economic Zone established under section 3.

Establishment of Zone

3. (1) There is established beyond and adjacent to the territorial sea of Jamaica a Zone to be known as the Exclusive Economic Zone.

(2) The Zone shall have as its inner limit the boundary line of the seaward limit of the territorial sea and, subject to subsection (3), as its outer limit a boundary line which is at every point a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(3) Where the outer limit referred to in subsection (2) intersects the outer limit of the exclusive economic zone of any other State whose coasts are opposite or adjacent to Jamaica, delimitation of the boundaries of the Zone for Jamaica and that State shall be effected by agreement on the basis of international law as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

Rights in and jurisdiction over Zone

4. In the Zone there is vested in the Crown:

(a) sovereign rights in respect of:

- (i) the exploration, exploitation, conservation, protection and management of the natural resources, whether living or non-living, of the waters superjacent to the seabed, and of the seabed and its subsoil;
- (ii) all other activities for the economic exploitation and exploration of the Zone, including the production of energy from the water, currents and winds;

(b) exclusive rights and jurisdiction in respect of the authorization and regulation of the construction, operation, maintenance and use of artificial islands, installations and structures;

(c) jurisdiction in respect of:

- (i) the authorization, regulation and control of scientific research and the recovery of archaeological or historical objects;
- (ii) the preservation and protection of the marine environment and the prevention and control of marine pollution; and

(d) all other rights and jurisdiction as are recognized by the Convention or by international law.

Rights and duties of other States in Zone

5. Subject to the provisions of this Act, all States have in the Zone the rights and duties of States as specified in the Convention with respect to the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to such freedoms.

Exploration for and exploitation of living resources of the Zone

6. (1) No person shall within the Zone explore for or exploit any living resources thereof except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment.

(2) No person shall use any vessel to explore for or exploit any living resources of the Zone unless, subject to section 11, there is, in relation to that vessel, a licence granted pursuant to the relevant scheduled enactment.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable:

- (a) on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty thousand dollars; and
- (b) on conviction on indictment in a Circuit Court to a fine not exceeding two hundred and fifty thousand dollars, and in the case of a second or subsequent offence to a fine not exceeding five hundred thousand dollars,

and in addition, either such Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

Exploration for and exploitation of non-living resources of the Zone

7. (1) No person shall within the Zone, except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment:

- (a) explore for or exploit any non-living resources thereof;
- (b) carry out any search, excavation or any activity relating to the recovery of archaeological or historical objects;
- (c) conduct any research; or
- (d) carry out any economic activity.

(2) No person shall use any vessel to explore for or exploit any non-living resources of the Zone unless, subject to section 11, there is in relation to that vessel a licence granted pursuant to the relevant scheduled enactment.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction on indictment in a Circuit Court:

(a) in the case of an individual:

- (i) to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;
- (ii) in respect of a second or subsequent offence to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment,

and, where the offence is a continuing one to a further fine of twenty-five thousand dollars per day for each day on which the offence continues after conviction;

(b) in the case of a body corporate:

- (i) to a fine not exceeding five hundred thousand dollars;
- (ii) in respect of a second or subsequent offence to a fine not exceeding one million dollars and, where the offence is a continuing one to a further fine of fifty thousand dollars per day for each day on which the offence continues after conviction,

and, in addition the Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

(4) Any person who contravenes subsection (2) commits an offence and is liable:

(a) on summary conviction in a Resident Magistrate's Court:

- (i) in the case of an individual to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; and
- (ii) in the case of a body corporate, to a fine not exceeding seventy-five thousand dollars; and

(b) on conviction on indictment in a Circuit Court:

- (i) in the case of an individual to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; and
- (ii) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars;

and, in addition, either such Court may order the forfeiture of the vessel.

Grant of licence for exploration for or exploitation of living or non-living resources of the Zone

8. (1) Subject to section 11, licences for the exploration for or exploitation of the living or non-living resources of the Zone shall be granted in accordance with provisions relating to the grant of licences contained in the relevant scheduled enactment and for that purpose the jurisdiction of any person or authority under the scheduled enactments shall extend to the Zone in like manner as if:

- (a) the Zone constituted a part of the territorial sea of Jamaica; and
- (b) any reference to Jamaica or this Island or any land in Jamaica included (other than for purpose of delineating the Zone) any artificial island, installation or structure established in the Zone.

(2) The penalties provided in this Act in relation to the exploration for or exploitation of living or non-living resources of the Zone without a licence shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding penalties in those enactments.

(3) Fees prescribed by regulations made under this Act for applications for licence to explore for or exploit any living or non-living resources of the zone shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding fees in those enactments.

Application of enactments to Zone

9. (1) The Minister may by order published in the Gazette extend the application of any enactment, with such exceptions and modifications as may be specified in the order, to the Zone or any part thereof; and an enactment so extended shall have effect in relation to the Zone as if that enactment had been enacted in this Act.

(2) An order under subsection (1) shall be subject to negative resolution.

Extension of jurisdiction of the Courts and any other authority to Zone

10. For the purpose of giving effect to this Act the jurisdiction and powers of the Courts of Jamaica and officers thereof and of any constable or other person authorized to perform the duties of a constable shall extend to the Zone in like manner as if the Zone constituted a part of the territorial sea of Jamaica.

Minister may make order regarding issue or revocation of licence

11. (1) Where the Minister thinks fit he may, by order published in the Gazette, provide that any licence applicable to or within the Zone:

- (a) shall not be issued without his concurrence; and
- (b) shall only be issued or revoked in such circumstances and subject to such conditions as may be specified in the order.

(2) An order under subsection (1) shall make provision for the appointment of an advisory committee to advise the Minister in relation to licences affecting the Zone.

Person prejudiced by order of forfeiture may apply to Court for revocation

12. (1) Where under subsection (3) of section 6 or subsection (3) or (4) of section 7 a Court makes an order for the forfeiture of a vessel and any person is prejudiced by the making of that order, that person may make an application to that Court for the revocation of the order and, if the Court is satisfied that it is just so to do, the Court may, upon such terms and conditions, if any, as it thinks fit, revoke the order.

(2) An application under subsection (1) shall be made within three months of the date of the order, so, however, that where the applicant satisfies the Court that, in the special circumstances of the case, it was not reasonably practicable for him to make such application within the period of three months, the time (whether expired or not) for making that application may be extended by the Court as it thinks fit.

Powers and duties of Marine Officers

13. (1) A Marine Officer shall have, in the Zone, power to:

- (a) board any vessel which he has reasonable cause to suspect is engaged in the exploration or exploitation of living or non-living resources and to search such vessel, fish, fishing gear or any other equipment on board thereof;
- (b) require the master or person in charge of such vessel to produce his licence;
- (c) require the master or person in charge of such vessel to produce the licence for such vessel;
- (d) require the master or person in charge of such vessel to give an explanation concerning the activities of such vessel or any person on board such vessel;
- (e) do all such other acts as he is authorized or required to do by this Act or by any regulations made thereunder.

(2) A Marine Officer may, within the Zone, with or without a warrant:

- (a) seize any vessel, net, gear, tackle or other equipment which is being used by any person in committing an offence against this Act;
or
- (b) where, in respect of any vessel, he reasonably suspects that an offence has been committed against this Act:
 - (i) seize any cargo on the vessel; and
 - (ii) detain the master or person in charge of the vessel.

(3) Where a vessel, net, gear, tackle or other equipment is seized or a person detained under subsection (2), a Marine Officer shall, as soon as practicable thereafter, take all reasonable measures to ensure that the vessel, net, gear, tackle or other equipment is taken to the nearest convenient port and that the person detained is brought before a Resident Magistrate to answer a charge in connection with the offence that gave rise to the seizure or detention.

(4) A Marine Officer shall take all reasonable steps to ensure that any cargo seized is kept in good condition, so, however, that the Marine Officer may, if he thinks it necessary, dispose of any cargo in order to avoid spoilage of that cargo.

(5) Where a Marine Officer seized cargo, which at the time of seizure is spoilt, he shall, as soon as is convenient thereafter, dispose of the spoilt cargo.

(6) Where a Marine Officer disposes of cargo pursuant to subsection (4) or subsection (5) he shall issue a receipt to the master or person in charge of the vessel and the receipt shall state the date of disposal, the quantity and condition of cargo disposed of and the amount, if any, realized.

(7) A Marine Officer shall while on duty in the capacity of a Marine Officer have, exercise and enjoy all the powers, authority, privileges and immunities of a Constable under the Constabulary Force Act.

Procedure consequent on detention or seizure in the Zone

14. (1) Where a vessel is seized or a person detained under subsection (2) of section 13, then:

- (a) in the case of a vessel which is not registered in Jamaica or of a person who is not a citizen of Jamaica, a Resident Magistrate shall determine, pending hearing of the charge, the amount of security (whether by way of bond or otherwise) to be given for the release of the vessel or person and on the giving of such security the vessel or person shall be released;
- (b) in the case of a vessel which is registered in Jamaica or a person who is a citizen of Jamaica, the Court shall determine, pending hearing of the charge, whether the vessel or person ought to be released and, if released, the amount of security to be given for such release.

(2) Where under subsection (2) of section 13 a vessel, net, gear, tackle or other equipment or any cargo is seized, then:

- (a) if the item seized has not been claimed within a period of thirty days of such seizure, a Resident Magistrate may order the forfeiture of that item; and

(b) upon the conviction of any person who permitted the use of, or is in charge of, any such item, the Court may, upon the application of the prosecution, order the forfeiture of any such item, if the Court is satisfied that:

- (i) the item was used in the commission of the offence or was otherwise connected with the offence; and
- (ii) the circumstances of the case are such that it is just so to order.

(3) Where a person is brought before a Resident Magistrate pursuant to subsection (3) of section 13 to answer a charge and is acquitted of the charge:

- (a) any item seized in connection with the alleged offence and not forfeited pursuant to subsection (2) (a) of this section shall be returned to him; and
- (b) if any cargo which was in his possession at the time of detention has been disposed of pursuant to subsection (4) of section 13, the Resident Magistrate may order that he be paid compensation therefor in such amount as the Resident Magistrate considers just.

Diplomatic or consular officer to be informed regarding seizure of vessel

15. (1) Where any vessel which is not registered in Jamaica has been seized within the Zone by a Marine Officer, the Marine Officer making such seizure shall inform the appropriate authority of such seizure; and the appropriate authority shall ensure that a diplomatic or consular representative of the State of registration of the vessel is informed of such seizure and of the penalties, if any, imposed on such vessel and its occupants.

(2) In subsection (1) "appropriate authority" means the Minister responsible for foreign affairs or such other person as he may designate.

Provision regarding proceeds of sale and compensation

16. The proceeds of sale of any cargo disposed of under subsection (4) or subsection (5) of section 13 shall be paid into Court for credit to the Consolidated Fund, and if, in relation thereto, compensation is payable under paragraph (b) of subsection (3) of section 14 payment thereof shall be made by the Accountant-General.

Proceedings against the Crown, Marine Officer or person acting in his aid

17. In any action or other legal proceedings brought against the Crown or any Marine Officer or person acting in his aid in respect of any act done in pursuance or execution or intended execution of this Act or the regulations the plaintiff shall not recover unless he alleges in his pleading and proves at the trial that such act was done either maliciously or without reasonable or probable cause.

Offences committed within the Zone

18. (1) Any person who:
- (a) refuses, neglects or fails to comply with any direction given to him by a Marine Officer for the purposes of this Act;
 - (b) subject to subsection (2), refuses or fails to produce any licence under this Act which he is required by a Marine Officer to produce;
 - (c) refuses, without reasonable cause, to give any explanation which he is required by a Marine Officer to give for the purposes of this Act;
 - (d) assaults or obstructs any Marine Officer in the execution of his duty; or
 - (e) removes, alters or interferes with any article seized under section 13 without the authority of a Marine Officer,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Where under subsection (1) (b) a person is unable to produce to a Marine Officer a licence when so required but is able to satisfy the Marine Officer by other means as to his name, address and identity, the Marine Officer may, if otherwise satisfied as to the credentials of that person, permit him to produce such licence in person within five days thereafter at such place as may be specified by the Marine Officer at the time its production was required, and if the licence is so produced that person shall not be convicted of an offence under that subsection.

Other indictable offences

19. (1) An act:
- (a) committed in the Zone by a person, whether he is or is not a citizen of Jamaica; and
 - (b) being of such a description as would, if committed on land in Jamaica, be punishable on indictment, is an offence punishable on indictment in Jamaica in like manner, notwithstanding that it may have been committed on board, or by means of, a vessel the nationality or registration of which is not Jamaican, and the person who is reasonably suspected of having committed such offence may be arrested and may be tried or otherwise dealt with in reference to any charge against him in connection with that offence.

(2) For the purposes of this section all offences under the Dangerous Drugs Act, whether or not they are only summary offences, shall be treated as if they are offences punishable on indictment.

(3) For the purposes of arresting any person charged with an offence declared by subsection (1) to be punishable in Jamaica, the Zone shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in Jamaica to arrest persons acting in breach of the law or to issue warrants for the arrest of any person charged with any offence.

(4) Nothing in this section shall:

- (a) restrict or prejudice the exercise of any powers or authority by, for or on behalf of, or in the name or service of, Her Majesty in right of Her Government of Jamaica pursuant to international law;
- (b) abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provision contained in any law in force for the time being in Jamaica;
- (c) preclude any act of piracy from being tried or otherwise dealt with pursuant to any law in force for the time being in Jamaica.

(5) No prosecution for an offence punishable under subsection (1) shall be instituted except by or with the consent of the Director of Public Prosecutions:

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence.

(6) Notwithstanding any provision to the contrary in any other enactment, proceedings against any person for an offence declared under subsection (1) to be punishable in Jamaica may be commenced before a Resident Magistrate having jurisdiction in the parish where that person is for the time being, and, for all incidental and consequential purposes, the offence shall be deemed to have been committed within the boundaries of that parish.

Minister may amend Schedule

20. (1) The Minister may from time to time amend the Schedule by order published in the Gazette.

(2) An order under subsection (1) shall be subject to negative resolution.

Regulations

21. The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, may make regulations for:

- (a) charts to be officially recognized as indicating baselines or boundaries of the Zone, and the admission in evidence of such charts or copies thereof certified in the prescribed manner;
- (b) defining the limits of the Zone whether by way of such charts as aforesaid or otherwise;

- (c) regulating the construction, maintenance and removal of artificial islands, installations and structures;
- (d) the establishment of safety zones around artificial islands, installations and structures;
- (e) regulating customs, fiscal, health, safety and immigration matters on artificial islands, installations and structures;
- (f) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessel and the imposition of penalties thereon;
- (g) determining the nationality of vessels for the purposes of any provisions of the regulations;
- (h) regulating any activity relating to the economic exploration or exploitation of the Zone;
- (i) regulating the authorization, control and supervision of scientific research in the Zone and the recovery of archaeological and historical objects;
- (j) the preservation and protection of the marine environment and the prevention and control of marine pollution;
- (k) determining the terms and conditions of joint ventures or other cooperative arrangements to be implemented in the Zone;
- (l) specifying the requirements for training personnel and the transfer of technology;
- (m) determining the allowable catch of living resources of the Zone;
- (n) the proper conservation and management measures to be taken to assure the maintenance of and the optimum utilization of the living and non-living resources of the Zone;
- (o) the fixing and measuring of charges for the taking, storage and maintenance of vessels;
- (p) regulating the sale or disposal of any goods seized or forfeited;
- (q) prescribing the fee to be paid on application for a licence; and
- (r) prescribing anything authorized by this Act to be prescribed.

Modification of laws

22. The enactments specified in the first column of the Appendix are amended as specified in relation to them respectively, in the second column of the Appendix.

SCHEDULE

The Beach Control Act

The Customs Act

The Dangerous Drugs Act

The Fishing Industry Act

The Jamaica National Heritage Trust Act

The Harbours Act

The Marine Board Act

The Minerals (Vesting) Act

The Mining Act

The Petroleum Act

The Public Health Act

The Quarantine Act

The Wildlife Protection Act

The Wreck and Salvage Law

APPENDIX

Enactments

Amendments

The Beach Control Act
Section 7 (1)

Delete from sub-paragraph (ii) of paragraph (b) the words "or the Pilotage Act" and substitute therefor the words "the Pilotage Act, or the Exclusive Economic Zone Act".

Section 9

(a) in subsection (2) delete the word "The" and substitute therefor the words "Subject to subsection (2A) the".

(b) insert immediately after subsection (2) the following as subsection (2A):

" (2A) Any licence affecting the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".

The Fishing Industry Act

Insert immediately after the Heading "General" the following as section 23A:

"23A - Any licence granted under section 5 or 11 in relation to the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".

The Jamaica National Heritage Trust Act

Section 2

(a) In subsection (1):

(i) delete the numeral "(1)";

(ii) delete from paragraph (a) of the definition of "national monument" the words from "an area" to the word "island" inclusive, and substitute therefor the words "the exclusive economic zone".

(b) Delete subsections (2) and (3).

Section 12 (6)

Delete the words from "any area" to the word "jurisdiction" inclusive, and substitute therefor the words "within the exclusive economic zone".

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The Mining Act
Section 18

- (a) In subsection (1) delete the word "The" and substitute therefor the words and figure "Subject to subsection (1A) the".
- (b) Insert immediately after subsection (1) the following as subsection (1A):

" (1A) Any licence granted under subsection (1) in respect of mining in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act."

- (c) Delete subsection (5) and substitute therefor the following:

" (5) A prospecting right shall be produced:

- (a) whenever demanded by the owner or occupier of land on which the holder is prospecting, or by a constable; or
- (b) whenever demanded by the Commissioner or by a Marine Officer under the Exclusive Economic Zone Act when the holder thereof is prospecting in the exclusive economic zone."

Section 21 (3)

Delete the words "exceeding eight square miles" and substitute therefor the words "of land exceeding eight square miles or in respect of any part of the exclusive economic zone exceeding twenty-four thousand square miles".

Section 33 (3)

Insert after the word "land" the words "or to the Commissioner in respect of that part of the exclusive economic zone."

Section 35

Renumber the section subsection (1) and insert next thereafter the following as subsection (2) -

" (2) Subject to the provisions of this Act, a mining lessee shall have, in the exclusive economic zone and included in his lease, the right to construct any artificial island, installation or structure and the right to operate, maintain and use such artificial island, installation or structure."

Section 70

- (a) Delete the fullstop appearing at the end of the section and substitute therefor a semi-colon.
- (b) Insert immediately after paragraph (b) the following as paragraph (c):

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"(c) in the case of a mining lease for mining in the exclusive economic zone, to the Permanent Secretary in the Ministry of Foreign Affairs who shall record such lease."

The Petroleum Act
Section 3

(a) Delete from subsection (1):

(i) the numeral "(1)";

(ii) the words from "any other area" to the word "Jamaica" inclusive, and substitute therefor the words "the exclusive economic zone".

(b) Delete subsections (2) and (3).

Section 4

(a) Delete the word "No" and substitute therefor the words and figure "Subject to subsection (2), no".

(b) Renumber the section as subsection (1).

(c) Insert immediately after subsection (1) the following as subsection (2):

" (2) Any exploration or development of petroleum resources or the acquisition of any right, title, interest or estate in any petroleum in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act."

Section 28

Delete paragraph (b) and substitute therefor the following:

"(b) the exclusive economic zone;"

The Public Health Act
Section 7(1)

(a) Reletter paragraph "(s)" as paragraph "(t)".

(b) Insert immediately after paragraph (r) the following as paragraph (s) -

"(s) the sanitation and inspection of sanitation facilities on artificial islands, installations and structures within the exclusive economic zone".

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The Quarantine Act
Section 8 (2)

- (a) Delete the fullstop appearing at the end of the subsection and substitute therefor a semi-colon.
- (b) Insert next after paragraph (e) the following as paragraph (f):
 - "(f) the sanitation of artificial islands, installations and structures in the exclusive economic zone."

The Wildlife Protection Act

Section 8A

Insert next after section 8 the following as section 8A:

"8A. Any person who hunts any animal or bird in or takes any eggs from the exclusive economic zone without a licence issued under this Act shall be guilty of an offence against this Act."

The Wreck and Salvage
Law

Section 2

Delete -

Section 3

- (a) Delete the definitions of "Commissioner" and "person";
- (b) Insert immediately after the definition of "ship" the following definition:
 - "'waters of this Island' means the internal waters, the territorial sea and the exclusive economic zone of Jamaica;"
- (c) Delete from the definition of "wreck" the words "any tidal water" and substitute therefor the words "the waters of this Island".

Section 5

Delete:

- (a) the words "at any place or near the coast of this Island, or any cay or island being a Dependency thereof," and substitute therefor the words "in any part of the waters of this Island";
- (b) the words "within which such place is situated" and substitute therefor the words "nearest to such part";
- (c) the word "place" where it appears for the third time and substitute therefor the word "part".

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Section 12

Delete:

- (a) the words "on the coasts of this Island or of any of the Islands and Cays within the territories thereof," and substitute therefor the words "in the waters of this Island";
- (b) the word "Law" and substitute therefor the word "Act";
- (c) from the margin thereof the word and numerals "Cap. 236".

Section 14

Delete the words "or any of the Islands and Cays aforesaid".

Section 15

Delete and substitute therefor the following:

"15. Section 14 shall apply to wreck found or taken possession of outside the limits of this Island and brought within the limits of this Island as it applies to wreck found or taken in possession of within the limits of this Island."

Section 17

Delete the word "place" where it first appears and substitute therefor the words "part of the waters of this Island".

Section 20

Delete:

- (a) the words "or of any Dependency thereof";
- (b) the words "or by the Commissioner, as the case may be,";
- (c) the words "or the Commissioner".

Section 21

Delete the words-

- (a) "Treasury of this Island" and substitute therefor the words "Consolidated Fund";
- (b) "or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept,";
- (c) "or the Commissioner".

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- Section 22 (a) Delete the words "or of any of the Islands and Cays being Dependencies thereof".
(b) Delete the words "or any of the Islands and Cays as aforesaid".
- Section 23 Delete the words "Treasury of this Island or of such Dependency as aforesaid" and substitute therefor the words "Consolidated Fund".
- Section 24 Delete the words "territories thereof".
- Section 26 (a) Delete the words "or the Dependencies thereof".
(b) Delete the words "at or near the place" wherever they appear and substitute therefor, in each case, the words "at a place nearest to that part of the waters of the Island".
(c) Delete the words "High Court" wherever they appear and substitute therefor, in each case, the words "Supreme Court".
- Section 32 (a) Delete the words "or any of the islands and cays as aforesaid."
(b) Delete the words "High Court" and substitute therefor the words "Supreme Court".
- Section 34 (2) Delete the words "High Court" and substitute therefor the words "Supreme Court".
- Section 38 (a) Delete the words "at any place" and substitute therefor the words "in any part of the waters of Jamaica".
(b) Delete the words "or the Commissioner".
(c) Delete the words "Treasury of this Island or of the Dependency in which such wreck was found (as the case may be)" and substitute therefor the words "Consolidated Fund".
(d) Delete the words "or Commissioner".
- Section 39 (a) Delete the words "on or near the coasts" and substitute therefor "in any part of the waters".
(b) Delete the words "or of any of the cays or islands being Dependencies thereof".

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- (c) Delete the words "on or near such coasts," and substitute therefor the words "in any part of such waters".
 - (d) Delete the words "or of any of the territories thereof".
- Section 41
- (a) Delete the words "or such territories thereof respectively".
 - (b) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
- Section 42
- (a) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
 - (b) Delete the words "such Collector-General is to" and substitute therefor the words "such Commissioner shall".
 - (c) Delete from the marginal note the word "Collector-General" and substitute therefor the words "Commissioner of Customs and Excise".
- Section 43 (1)
- Delete the words "on or near the shore of this Island, or of any of the islands or cays aforesaid," and substitute therefor the words "in any part of the waters of this Island".
- Section 44
- Delete the words "on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof" and substitute therefor the words "in any part of the waters of this Island".

MEMORANDUM OF OBJECTS AND REASONS

The concept of an Exclusive Economic Zone evolved as a result of the claims of certain States consequent on rapid technological advances in the mining of offshore mineral resources. This Zone sought to encompass, beyond the existing twelve miles territorial sea, an additional one hundred and eighty-eight miles from the seaward limit of the territorial sea.

Jamaica, as a participant of conferences dealing with the Law of the Sea, has accepted that there is a need to protect the marine environment in such a Zone.

Jamaica, having adopted the Convention on the Law of the Sea, now seeks, in the protection of her marine resources, to enact legislation to give effect to this and also to adhere to the provisions relating to an Exclusive Economic Zone contained in the Convention.

Consequently this Bill seeks to:

- (a) establish an Exclusive Economic Zone;
- (b) make provision for the manner in which exploration of and exploitation for the resources of the Zone may be carried out;
- (c) prescribe penalties for any breaches of the Act;
- (d) permit the making of regulations in relation to activities in the zone; and
- (e) make consequential amendments to other Acts.

David Coore,
Minister of Foreign Affairs and Foreign Trade

A BILL

Entitled

An Act to Establish beyond the territorial sea a Zone to be known as the Exclusive Economic Zone and to provide for matters incidental thereto or connected therewith.

SECTIONS 7 AND 9 OF THE BEACH CONTROL ACT WHICH IT IS
PROPOSED TO AMEND

7. (1) Notwithstanding anything to the contrary in this Act, the Minister may, upon the recommendation of the Authority, make an order declaring
- (a) ...
 - (b) such activities as may be specified in the order to be prohibited activities in the area defined in the order, being any or all of the following activities:
 - (i) ...
 - (ii) the use of boats other than boats propelled by wind or oars where such boats are used for purposes other than for the doing of anything which may be lawfully done under the Harbours Act, the Marine Board Act, the Wrecks and Salvage Law, or the Pilotage Act;
9. (1) ...
- (2) The Minister may, if he thinks fit, grant to any person applying therefor, in such form and subject to such conditions as he may think fit, a licence to erect, construct or maintain any dock, wharf, pier or jetty or any structure, apparatus or equipment as aforesaid.

SECTIONS 2 AND 12 OF THE JAMAICA NATIONAL HERITAGE
TRUST ACT WHICH IT IS PROPOSED TO AMEND

2. (1) In this Act unless the context otherwise requires-
...
"national monument" means:
- (a) any building, structure, object or other work of man or of nature or any part or remains thereof whether above or below the surface of the land or the floor of the sea within the territorial waters of the Island or within an area declared in an order made under subsection (2) to be within the maritime resource jurisdiction of the Island;
- ...
- (2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the sovereign jurisdiction of Jamaica for the purposes of this Act.

(3) Nothing in subsection (2) shall be construed as limiting in any way the sovereign rights of Jamaica under general international law including the United Nations Convention on the Law of the Sea.

12. (1) ...

(6) In this section and in sections 19 and 20 "structure" includes any building, structure, object or other work of man or nature whether above or below the surface of the land or the floor of the sea within the territorial waters of the island, or any area declared in any order made under section 2(2) to be within the maritime resource jurisdiction, and any site, cave or excavation.

SECTIONS 18, 21, 33 AND 70 OF THE MINING ACT
WHICH IT IS PROPOSED TO AMEND

18. (1) The Commissioner may, in his absolute discretion on application in the prescribed form and upon the payment of the prescribed fee, grant to any individual a prospecting right in the prescribed form:

Provided that a prospecting right shall not be granted:

...

(5) A prospecting right shall be produced whenever demanded by the owner or occupier of land on which the holder thereof is prospecting, or by any constable.

21. (1) ...

(3) A licence shall not be granted in respect of any area exceeding eight square miles.

...

33. (1) ...

(3) The Minister may require an applicant for a mining lease to satisfy him that he possesses or commands sufficient working capital to ensure the proper development and carrying on of mining operations on the area applied for, and for the payment of any compensation which may be payable to the owners or occupiers of the land in respect of which the lease is required, and may require any reports on the area made by prospectors or engineer to be submitted for his information; and in the event of the applicant failing so to satisfy the Minister, the Minister may refuse the application but the applicant may make a new application at any time.

...

70. The Commissioner shall forward a copy of every mining lease and water right, and of any instrument transferring, renewing, creating or determining such lease or water right to any interest therein, which is registered in his office and of any order made under section 59 -

(a) in the case of land under the Registration of Titles Act, to the Registrar of Titles who shall register such lease or water right in accordance with the provisions of that Act;

- (b) in the case of land not under that Act to the Deputy Keeper of the Records who shall record such lease or water right.

SECTIONS 3, 4 AND 28 OF THE PETROLEUM ACT WHICH
IT IS PROPOSED TO AMEND

3. (1) There is hereby vested in the Crown all petroleum existing in its natural state in strata in Jamaica including the bed and subsoil of its territorial sea, its continental shelf and any other area declared under this section to be within the maritime resource jurisdiction of Jamaica.

(2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the maritime resource jurisdiction of Jamaica for the purposes of this Act.

(3) Every order made under this section shall be subject to affirmative resolution.

4. No person shall, except in accordance with the provisions of this Act and any regulations made thereunder:

- (a) explore or develop petroleum resources; or
- (b) acquire any right, title, interest or estate in any petroleum, which is vested by section 3 in the Crown.

28. The laws of Jamaica extend:

- (a) ...
- (b) to any other area for the time being declared under section 3 to be within the maritime resource jurisdiction of Jamaica; and
- (c) to all artificial islands and other structures built on the areas mentioned in paragraphs (a) and (b), and any vessels stationed over those areas, for the purpose of exploring for or developing petroleum resources or removing or transporting therefrom any petroleum or petroleum product,

to the same extent as if the continental shelf and those areas, islands, structures or vessels (hereinafter referred to as the maritime extensions) were located in Jamaica; and for the purposes of the jurisdiction of any court in Jamaica any such maritime extension shall be treated as if it were located in the parish in which proceedings are brought.

SECTION 8 OF THE QUARANTINE ACT WHICH IT IS PROPOSED TO AMEND

8. (1) ...

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purpose therein set forth, make provision for all or any of the following matter, that is to say -

(a) regulating the granting or withdrawal of pratique;

...

(e) fixing the charges sanctioned by regulations in force by virtue of section 7 and providing for their incidence.

...

SECTIONS 2 AND 3 OF THE WRECK AND SALVAGE LAW WHICH
IT IS PROPOSED TO AMEND

2. This Law extends to this Island of Jamaica, the Cayman Island and other the Cays and Islands on this Island depending, but shall not extend or relate to the Turks and Caicos Islands.

3. In this Law-

"Commissioner" means the Commissioner or other officer administering the local Government in any Dependency of Jamaica;

...

"person" includes body corporate;

...

"wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

SECTION 5 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

5. When any ship or boat is stranded or in distress at any place on or near the coast of this Island, or of any cay or island being Dependency thereof, the Receiver of the district within which such place is situated shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions, as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and any person who wilfully disobeys such directions he shall forfeit a sum not exceeding fifty pounds; but it shall not be lawful for such Receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

SECTION 12 OF THE WRECK AND SALVAGE LAW WHICH
IT IS PROPOSED TO AMEND

12. Any Receiver, or in his absence any Justice, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coasts of this Island or of any of the Islands and Cays within the territories thereof, or any other person who may be able to give any account of such ship or of the cargo or stores thereof, as to the following matters, that is to say-

(a) the name and description of the ship;

...

and such Receiver or Justice shall take the examination down in writing, and shall make two copies of the same, of which he shall send one to the Minister, and the other to the office of the nearest Collector of Customs, and such last mentioned copy shall by such Collector be placed in some conspicuous situation for the inspection of persons desirous of examining same; and, for the purposes of such examination, every such Receiver or Justice as aforesaid shall have all the powers given by the Marine Board Law to Inspectors appointed thereunder.

SECTIONS 14 AND 15 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

14. The following rules shall be observed by any person finding or taking possession of wreck within this Island or any of the Islands and Cays aforesaid, that is to say:

...

15. The preceding section shall apply to wreck found or taken possession of outside the limits of this Island or any of the Islands or Cays referred to in the said section, and brought within the limits of this Island or any of the said Islands or Cays, as it applies to wreck found or taken possession of within the limits of this Island or any of the said Islands or Cays.

SECTION 17 OF THE WRECK AND SALVAGE LAW WHICH
IT IS PROPOSED TO AMEND

17. Every Receiver shall within forty-eight hours after taking possession of any wreck cause to be posted up in the Custom House of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds twenty pounds but not otherwise, transmit a similar description to the Minister, and a copy thereof shall be posted in some conspicuous place for the inspection of all persons desirous of examining the same.

SECTIONS 20, 21, 22, 23 AND 24 OF THE WRECK AND SALVAGE
LAW WHICH IT IS PROPOSED TO AMEND

20. Whenever any dispute arises in any part of this Island or of any Dependency thereof as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Minister, or by the Commissioner, as the case may be, and the decision of the Minister or the Commissioner shall be final.

21. All fees received by any Receiver appointed under this Law, in respect of any services performed by him as Receiver, shall be paid into the Treasury of this Island or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept, and the moneys arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of this Law, in such manner as the Minister or the Commissioner directs.

22. In the following cases, that is to say:

whenever any ship or boat is stranded or otherwise

in distress on or near the coasts of this Island, or of any of the Islands and Cays being Dependencies thereof, and services are rendered by any person:

- (a) in assisting such ship or boat;
- (b) in saving the lives of the persons belonging to such ship or boat;
- (c) in saving the cargo or apparel of such ship or boat, or any portion thereof;

and whenever any wreck is saved by any person other than a Receiver within this Island or any of the Islands and Cays as aforesaid,

there shall be payable by the owners of such ship or boat, cargo, apparel or wreck, to the person by whom such services or any of them are rendered, or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of such services or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

23. Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all other claims for salvage, and in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life or lives. The Minister may in his discretion award to the salvours of such life or lives out of the Treasury of this Island or of such Dependency as aforesaid, such sum or sums as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

24. All the provisions in this Law contained in regard to the salvage of life from any ship or boat within the limits of this Island and the territories thereof shall be extended to the salvage of life from any ship registered at and trading with this Island, or from any boat belonging to any such ship, wheresoever the services may have been rendered, and from any foreign ship or boat where the services have been rendered either wholly or in part in the waters of this Island.

SECTION 26 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

26. Whenever any dispute with respect to salvage arises within this Island or the Dependencies thereof between the owners of any such ship, boat, cargo, apparel or wreck as aforesaid, or between the agent of such owners, and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise;

then, if the sum claimed does not exceed two hundred pounds, or if the value of the property saved does not exceed one thousand pounds;

such dispute shall be referred to the arbitration of a Resident Magistrate, or of any two Justices resident as follows, that is to say:

in case of wreck, resident at or near the place where such wreck is found;

in case of services rendered to any ship or boat, or to the persons, cargo or apparel belonging thereto, resident at or near the place where such ship or boat is lying, or at or near the first port or place in this Island into which such ship or boat is brought after the occurrence of the accident by reason whereof the claim to salvage arises;

but if the sum claimed exceeds two hundred pounds,

such dispute may, with the consent of the parties, be referred to the arbitration of such Resident Magistrate or Justices as aforesaid, but if they do not consent shall be decided by the high Court; subject to this proviso, that if the claimants in such dispute do not recover in such High Court a greater sum than two hundred pounds they shall not, unless the Court certifies that the case is a fit one to be tried in a superior Court, recover any costs, charges or expenses incurred by them in the prosecution of their claim;

and every dispute with respect to salvage may be heard and adjudicated upon the application either of the salvor or of the owner of the property salvaged, or of their respective agents. It shall be lawful for the Minister from time to time to determine a scale of costs to be awarded in salvage cases by any such Resident Magistrate or Justice as aforesaid.

SECTION 32 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

32. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in this Island, or any of the islands and cays as aforesaid, has been finally ascertained either by agreement or by the award of such Resident Magistrate or Justices or such umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed two hundred pounds it shall be lawful for the party liable to pay the amount so due to apply to the Receiver of the district for liberty to pay the amount so ascertained to him, and he shall if he thinks fit receive the same accordingly, and grant a certificate under his hand stating the fact of such payment and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, apparel and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds two hundred pounds then the High Court may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose if it thinks fit appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into Court to be there dealt with as the Court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

SECTION 34 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

34. Whenever any salvage is due to any person under this Law the Receiver shall act as follows, that is to say:

(1) ...

(2) if the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained, he shall detain such wreck until payment is made, or process has been issued in manner aforesaid;

but it shall be lawful for the Receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel or wreck so detained by him as aforesaid; and in cases where the claim for salvage exceeds two hundred pounds it shall be lawful for the High Court to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where bond or other security is given to the Receiver for an amount exceeding two hundred pounds it shall be lawful for the salvor or for the owner of the property salvaged, or their respective agents, to institute proceedings in the said Court for the purpose of having the question arising between them adjudicated upon, and the said Court may enforce payment of the said bond or other security in the same manner as if bail had been given in the said Court.

SECTION 38 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

38. If no owner establishes his claim to wreck found at any place before the expiration of a year from the date at which the same has come into the possession of the Receiver, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and deducting from the proceeds thereof his fees and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Minister or the Commissioner may in each case or by any general rule determine, pay the residue into the Treasury of this Island or of the Dependency in which such wreck was found (as the case may be) in such manner as the Minister or Commissioner may direct, and shall be disposed of under order of the Minister in accordance with the Law for the time being in force regulating the disposal of droits of Admiralty.

SECTION 39 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

39. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of this Island or of any of the cays or islands being Dependencies thereof, or belonging to or forming part of the cargo of any such ship, are found on or near such coasts, or are brought into any port in this Island or of any of the territories thereof, the Consular Officer of the country to which such ship, or in the case of cargo to which the owners of such cargo, may have belonged shall, in the absence of the owner of such ship or articles and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

SECTIONS 41, 42, 43 AND 44 OF THE WRECK AND SALVAGE
LAW WHICH IT IS PROPOSED TO AMEND

41. All wreck being foreign goods brought or coming into this Island or any of the harbours thereof shall be subject to the same duties as if the same were imported into this Island or such territories thereof respectively, and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Collector-General of this Island may upon investigation determine.

42. The Collector-General of this Island may permit all goods, wares and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination or elsewhere, and all goods, wares and merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to their port at which the same were shipped; but such Collector-General is to take security for the due protection of the revenue in respect of such goods, wares and merchandise.

43. Every person who does any of the following acts, that is to say:

- (1) wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress on or near the shore of this Island, or of any of the islands or cays aforesaid, or any part of the cargo or apparel thereof, or any wreck; or

...

44. If any person takes into any foreign port or place any ship or boat stranded, derelict or otherwise in distress on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof, or any part of the cargo or apparel of any such ship or boat, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sells the same, he shall be guilty of felony, and be subject to imprisonment with hard labour for a term not exceeding four years.

10. NAMIBIA

Territorial Sea and Exclusive Economic Zone of Namibia,
Act No. 3 of 1990, 30 June 1990 1/

[Original: English]

ACT to determine and define the territorial sea, internal waters, exclusive economic zone and continental shelf of Namibia; and to provide for matters incidental thereto (signed by the President on 6 June 1990).

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:

Definitions

1. In this Act, unless the context indicate otherwise -

"Convention" means the United Nations Convention on the Law of the Sea, 1982, adopted on 30 April 1982 by the [Third] United Nations Conference on the Law of the Sea;

"low water line" means the line of lowest astronomical tide;

"Namibia" means the Republic of Namibia as defined in article 1 (4) of the Namibian Constitution, and in relation to any right or power, the authority in which the right or power in question or a right or power of the nature in question is vested;

"nautical mile" means the international nautical mile of 1,852 metres.

Territorial sea of Namibia

2. (1) The sea within a distance of 12 nautical miles measured from the low water line shall be the territorial sea of Namibia.

(2) (a) In determining the extent of the territorial sea of Namibia due regard shall be had to the rules embodied in the Convention, or as it may from time to time be embodied in any international convention binding on Namibia, and, with due regard to the said international rules, base lines other than the low water line from which the 12 nautical miles contemplated in subsection (1) are to be measured, may be recognized by Namibia;

(b) Any baseline referred to in this section may be marked or indicated by appropriate symbols on scale charts officially recognized by Namibia;

(c) In any proceedings before a court of law any chart referred to in paragraph (b) shall be prima facie evidence of the matters referred to therein.

1/ See Government Gazette of the Republic of Namibia (Windhoek), No. 28, 11 June 1990.

(3) Any law in force in Namibia at the commencement of this Act relating to territorial waters or to the sea within a specified distance but less than 12 nautical miles from the low water mark shall apply within the territorial sea of Namibia, and any reference in any such law to the territorial waters or low water mark shall be deemed to be a reference to the territorial sea or low water line as defined in this Act, respectively.

Internal waters of Namibia

3. (1) The waters landward from its low water line or any other baseline from which the territorial sea was measured shall form part of the internal waters of Namibia.

(2) The provisions of subsection (1) shall be in addition to and not in substitution for any other law relating to or defining the internal waters of Namibia.

Exclusive economic zone of Namibia

4. (1) The sea outside the territorial sea of Namibia but within a distance of two hundred nautical miles from the low water line or any other baseline from which the territorial sea was measured shall constitute the exclusive economic zone of Namibia.

(2) In determining the extent of the exclusive economic zone the provisions of section 2 (2) shall mutatis mutandis apply.

(3) Within the exclusive economic zone -

(a) Any law of Namibia which relates to the exploitation, exploration, conservation or management of the natural resources of the sea, whether living or non-living, shall apply;

(b) Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any fiscal law or any law relating to customs, immigration, health or the natural resources of the sea.

(4) Any law in force in Namibia at the commencement of this Act relating to any fishing zone shall apply within the exclusive economic zone of Namibia, and any reference in any such law to any fishing zone shall be deemed to be a reference to the exclusive economic zone as defined in this Act.

Delimitation of territorial sea or exclusive economic zone

5. If, in determining the extent of the territorial sea or exclusive economic zone of Namibia or after having so determined it, it infringes or overlaps with the territorial sea, exclusive economic zone or any other maritime zone, as the case may be, of any other State, the extent of the territorial sea or exclusive economic zone of Namibia may be determined or altered by agreement with the State concerned, and pending the conclusion of such an agreement or if no such agreement can be reached, the extent of the territorial sea or exclusive economic zone of Namibia, as the case may be, may be determined or altered by Namibia as it deems fit.

Continental shelf of Namibia

6. (1) The continental shelf as defined in the Convention, or as it may from time to time be defined by international convention and binding on Namibia, shall be the continental shelf of Namibia.

(2) The continental shelf referred to in subsection (1) shall be regarded as part of Namibia and shall for the purposes of -

(a) the exploitation of the natural resources of the sea; and

(b) any provision of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of Namibia which adjoins the continental shelf,

be deemed to be State land.

Repeal or amendment of laws

7. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of the Schedule.

Short title and commencement

8. This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, and shall come into operation on a date to be determined by the President by proclamation in the Gazette.

SCHEDULE

Laws repealed or amended
(Section 7)

No. and year	Short title	Extent of repeal or amendment
Act 58 of 1973.	Sea Fisheries Act, 1973.	(a) The substitution for section 17 of the following section: "Forfeiture and seizure. 17. (1) The court convicting any person of any offence in terms of this Act may, in addition to any other penalty it may impose, declare any fish, sea-weed, shells or implement or any fishing boat or other vessel or vehicle in respect of which the offence was committed or which was used in connection with the commission thereof, or any rights of the convicted person thereto, to be forfeited to the State, and cancel or suspend for such period as the court may think fit, any registration done in respect of the convicted person or any licence or permit issued or granted to such person in terms of this Act: Provided that such a declaration of forfeiture shall not affect any rights which any person other than the convicted person may have to such implement, boat, vessel or vehicle, if it is proved that such other person took all reasonable steps to prevent the use thereof in connection with the offence. (2) The provisions of section 35 (3) and (4) of the Criminal Procedure Act, 1977 (Act 51 of 1977) shall <u>mutatis mutandis</u> apply in respect of any such rights. (3) Any fish, sea-weed, shells, boat, vessel, vehicle or implement or any right thereto forfeited to the State under the provisions of this section or section 6 (6) may be sold or destroyed or may be dealt with in such other manner as the President may direct". (b) the amendment of section 22A: (i) by the substitution in subsection (4) for the amount "R50 000" of the words "one million rand"; (ii) by the deletion in subsection (4) of the expression "or to imprisonment for a period not exceeding 7 years or to both such fine and such imprisonment"; and (iii) by the substitution for subsection (5) of the following subsection: "(5) (a) The President may by notice in the Gazette make regulations in respect of vessels authorized in terms of subsection (2), relating to any of the matters referred to in sections 10 (1), 11 (a), (b) and (e) and 13 (1) (a), (c), (d), (f), (g), (h), (i), (j), (l), (m) and (n) of this Act. (b) Different regulations may under paragraph (a) be made in respect of different vessels or vessels of different foreign States or in respect of different species of fish or fish products. (c) Any person using a vessel authorized in terms of subsection (2) in contravention of or without complying with any regulation referred to in paragraph (a) of this subsection shall be guilty of an offence and liable on conviction to the penalty prescribed in subsection (4)".
Proclamation AG. 32 of 1979	Territorial Waters of South West Africa Proclamation, 1979.	The repeal of the whole.

Proclamation by the President of the Republic of Namibia 1/

[Original: English]

Commencement of the Territorial Sea and Exclusive Economic Zone of Namibia Act (Act 3 of 1990).

Under the powers vested in me by section 8 of the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, I hereby determine that the said Act shall come into operation on 10 July 1990.

Given under my Hand and Seal of the Republic of Namibia at Windhoek this 30th day of June, One thousand Nine hundred and Ninety.

1/ See Government Gazette of the Republic of Namibia (Windhoek), No. 44, 10 July 1990.

Amendment of section
6 of Act 3 of 1990

3. Section 6 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The continental shelf referred to in subsection (1) shall [be regarded as part of Namibia and shall] for the purposes of:

(a) the exploitation of the natural resources of the sea; and

(b) any provision of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of Namibia which adjoins the continental shelf,

be deemed to be State land."

Substitution of long
title to Act 3 of 1990

4. The following long title is hereby substituted for the long title to the principal Act:

"To determine and define the territorial sea, internal waters, contiguous zone, exclusive economic zone and continental shelf of Namibia; and to provide for matters incidental thereto."

Short title

5. This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Amendment Act, 1991.

11. POLAND

Act concerning the maritime areas of the Polish Republic and
the marine administration, 21 March 1991 1/

PART I
GENERAL PROVISIONS

[Original: Polish]

Article 1

1. The Act defines the legal situation of the maritime areas of the Polish Republic, the coastal area and the authorities of the marine administration and their scope of jurisdiction.
2. The provisions of the Act shall not be applicable if an international treaty to which the Polish Republic is a party provides otherwise.

Article 2

1. The maritime areas of the Polish Republic are:
 - (1) The internal waters;
 - (2) The territorial sea;
 - (3) The exclusive economic zone,

hereinafter referred to as "Polish maritime areas".

2. The internal waters and the territorial sea are part of the territory of the Polish Republic.
3. The territorial sovereignty of the Polish Republic over the internal waters and the territorial sea shall extend to the waters, to the airspace over such waters and to the seabed and the subsoil of the internal waters and of the territorial sea.

Article 3

1. If the needs of defence or of the security of the State so require:
 - (1) Zones closed to navigation and fishing may be established in the internal waters and in the territorial sea;
 - (2) Beyond the internal waters and the territorial sea, zones unsafe for navigation or fishing may be proclaimed [ogaszane].
2. The zones referred to in paragraph 1 shall be established or proclaimed by the Ministry of National Defence, in agreement with the Ministers of Transport and Marine Economy and of the Interior.

1/ Legislative Gazette of the Polish Republic [Dziennik Ustaw Rzeczypospolitej Polskiej], No. 32, Warsaw, 18 April 1991. Entered into force on 1 July 1991.

PART II
POLISH MARITIME AREAS

Section 1
The internal waters

Article 4

The internal waters are:

(1) The part of Nowowarpno Lake and the part of the Bay of Szczecin, together with the Swina and the Dziwna and the Bay of Kamien, situated east of the State frontier between the Polish Republic and Germany, and the river Odra between the Bay of Szczecin and the waters of the port of Szczecin.

(2) That part of the Bay of Gdansk closed by a baseline running from a point having the coordinates 54° 37' 36" north geographic latitude and 18° 49' 18" east geographic longitude (on the Hel Sandbar [Mierzeja Helska]) to a point having the coordinates 54° 22' 12" north geographic latitude and 19° 21' 00" east geographic longitude (on the Vistula Sandbar [Mierzeja Wislana]);

(3) The part of the Vistula Bay [Zalew Wislany] situated south-west of the State frontier between the Polish Republic and the Union of Soviet Socialist Republics on that Bay;

(4) Harbour waters defined on the sea side by the line connecting the outermost permanent harbour works which form an integral part of the harbour system.

Section 2
The territorial sea

Article 5

1. The territorial sea of the Polish Republic consists of a marine area of 12 nautical miles (22,224 m) wide, measured from the baseline of that sea.

2. The baseline of the territorial sea is constituted by the low-water line along the coast or the outer limit of the internal waters.

3. The outer limit of the territorial sea is constituted by a line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline, subject to paragraph 4.

4. Roadsteads which are normally used for the loading, unloading and anchoring of ships and which are situated wholly or partly outside the outer limit of the areas defined in accordance with paragraphs 1 and 3, are included in the territorial sea.

5. The boundaries of the roadsteads referred to in paragraph 4 shall be determined by the Council of Ministers by means of an ordinance [rozporządzenie].

Article 6

1. Foreign ships shall, subject to the provisions of paragraph 3, enjoy the right of innocent passage through the territorial sea of the Polish Republic.

2. Innocent passage means navigation through the territorial sea for the purpose of:

(1) Traversing that sea without entering the internal waters or calling at any part of the harbour system or any roadstead facilities which are situated beyond the internal waters;

(2) Entering or leaving the internal waters;

(3) Entering or leaving the part of the harbour system or roadstead facilities referred to in subparagraph (1).

3. The Minister of National Defence shall, by means of an ordinance, define the passage of warships of foreign States through the Polish territorial sea and the conditions for their entry into Polish internal waters.

Article 7

The passage shall be continuous and expeditious. Stopping or anchoring shall be permitted only in so far as they are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons and ships or aircraft in danger. Foreign fishing vessels shall, during their passage, be required to remove fishing gear from their decks or to store it in a manner which precludes its use.

Article 8

Passage shall be considered to be innocent so long as it is not prejudicial to the peace, good order or security of the Polish Republic.

Article 9

Passage shall be considered to be prejudicial to peace, good order or security of the Polish Republic if the foreign ship or warship, while in the territorial sea, engages in any of the following activities:

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

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

(3) Any act aimed at collecting information to the prejudice of the defence or security of the Polish Republic;

(4) Any act of propaganda aimed at affecting the defence or security of the Polish Republic;

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

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

(7) The loading or unloading of any commodity, foreign currency or person contrary to the customs, fiscal, immigration or sanitary regulations of the Polish Republic;

- (8) Any act of wilful pollution;
- (9) Any fishing activities;
- (10) The carrying out of research or survey activities;
- (11) Any act aimed at interfering with the system of communications or any other facilities or installations of the Polish Republic;
- (12) Any other activities not having a direct bearing on the passage.

Article 10

1. Where necessary having regard to the safety of navigation, the Ministry of Transport and Marine Economy, in agreement with the Minister of National Defence, may, by means of an ordinance, designate in the territorial sea, sea lanes and prescribe traffic separation schemes as well as a notification system of ships' position and also define ways for the use of such sea lanes and traffic separation schemes for the regulation of the passage of ships.
2. The sea lanes and the traffic separation scheme shall be shown on marine charts.

Article 11

Foreign ships exercising the right of innocent passage through the territorial sea shall be required to comply with Polish law and international regulations relating to the prevention of collisions at sea and to the protection of the marine environment.

Article 12

1. Polish criminal jurisdiction shall not be applicable to offences committed on board foreign ships during their passage through the territorial sea, unless:
 - (1) The consequences of the offence extend to the territory of the Polish Republic;
 - (2) The offence violates the peace or the good order of the territorial sea;
 - (3) The assistance of the competent Polish authorities has been requested by the master of the ship or by the diplomatic agent or consular officer of the flag state of the ship;
 - (4) Such jurisdiction is necessary for the purpose of combating the illicit traffic in narcotic drugs or psychotropic substances.
2. The provisions of paragraph 1 shall not restrict the application of Polish criminal jurisdiction if the foreign ship is passing through the territorial sea after leaving Polish internal waters.
3. No action in respect of a foreign ship passing through the territorial sea shall be taken in connection with an offence committed before the ship entered the Polish territorial sea, if the ship, proceeding from a foreign port, is only passing through that territorial sea without entering internal waters.

4. The provisions of paragraph 3 shall not apply in case of violation of the rights of the Polish Republic as defined in article 17 or in the case of the prosecution of persons causing pollution of the marine environment.

5. The authorities taking action in the sphere of criminal jurisdiction shall, if the master of a ship so requests, notify a diplomatic mission or the competent consular office of the flag State.

Article 13

1. A foreign ship passing through the Polish territorial sea may not be stopped for the purpose of exercising civil jurisdiction in relation to a natural person on board the ship.

2. No execution against or arrest of a foreign ship passing through the Polish territorial sea may be carried out in connection with any civil proceeding, save only in respect of obligations or liabilities assumed or incurred by the ship in the course or for the purpose of its voyage through the Polish internal waters or the Polish territorial sea.

3. The provisions of paragraph 2 shall not be applicable if the foreign ship has stopped in the Polish territorial sea or is passing through that sea after leaving Polish internal waters.

Section 3

The exclusive economic zone

Article 14

There is established an exclusive economic zone of the Polish Republic.

Article 15

The exclusive economic zone is situated beyond and adjacent to the territorial sea. It includes the waters, the seabed and its subsoil.

Article 16

1. The boundaries of the exclusive economic zone shall be defined by international treaties.

2. If such international treaties as referred to in paragraph 1 do not exist, the Council of Ministers may, by means of an ordinance, define the boundary of the exclusive economic zone.

Article 17

In the exclusive economic zone, the Polish Republic shall have:

(1) Sovereign rights to explore, manage and exploit the natural resources, whether living or non-living, of the seabed and its subsoil and the waters superjacent to them and the right to conserve those resources, as well as sovereign rights with respect to other economic undertakings in the zone;

- (2) Jurisdiction with regard to:
- (a) The establishment and use of artificial islands, installations and other structures;
 - (b) Marine scientific research;
 - (c) The protection and preservation of the marine environment;
- (3) Other rights provided for under international law.

Article 18

Foreign States shall in the exclusive economic zone enjoy freedom of navigation and overflight, and of the laying of submarine cables and pipelines and the right to use other methods of exploiting the sea related to these freedoms and which are consistent with international law, subject to the provisions of the Act.

Article 19

Polish law relating to the protection of the environment shall be in force in the exclusive economic zone.

Article 20

The right to undertake and engage in fishing in the exclusive economic zone shall be held only by ships of Polish nationality, subject to any contrary provisions of the Act.

Article 21

Foreign fishing vessels may undertake and engage in fishing in the exclusive economic zone if an international treaty concluded by the Polish Republic with the State of nationality of the vessel provides for such a possibility or if the vessel is availing itself of a licence.

Article 22

1. In the exclusive economic zone, the Polish Republic shall have the exclusive right to construct, or to authorize and regulate the construction and utilization of, artificial islands, installations and structures of any kind intended for the conduct of scientific research, exploration or exploitation of resources.

2. The artificial islands, installations and structures referred to in paragraph 1 shall be subject to Polish law.

Section 4
Artificial islands, installations and structures,
submarine cables and pipelines

Article 23

Authorizations for the construction and utilization of artificial islands, installations and structures in the Polish territorial sea and in the exclusive economic zone shall be issued by the Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, and in the internal waters such authorizations shall be issued by the director of the marine office.

Article 24

Around the artificial islands, installations and structures, the director of the competent marine office may establish safety zones extending not more than 500 metres measured from each point of their outer edge, unless a different width of the zone is authorized by the generally accepted standards of international law or recommended by the competent international organization.

Article 25

Information relating to the construction of artificial islands, the setting up of installations and structures, the establishment of safety zones around them and the total or partial removal of artificial islands, installations and structures shall be made known to the public in the official publications of the Hydrographic Bureau of the Polish Republic and in the "Notices to mariners" ["Ostrzeżenia Nawigacyjne"].

Article 26

The laying and maintenance of submarine cables and pipelines in the internal waters and the territorial sea shall require an authorization from the director of the competent marine office.

Article 27

1. The laying and maintenance of submarine cables and pipelines in the exclusive economic zone shall be permitted if it does not interfere with the exercise of the rights of the Polish Republic and subject to the condition that the location and methods of maintenance must be coordinated with the Minister of Transport and Marine Economy, who shall render a decision in that sphere, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry.
2. The Minister of Transport and Marine Economy may rescind his consent if the conditions for the laying and maintenance of cables and pipelines have not been met.

Section 5
Scientific research

Article 28

Scientific research in Polish internal waters and the territorial sea may be carried out by foreign States and foreign natural or juridical persons, as well as by competent international organizations, after obtaining the consent of the Minister of Transport and Marine Economy.

Article 29

1. Scientific research in the Polish exclusive economic zone may be carried out by the States, persons and organizations referred to in article 28 after obtaining a consent from the Minister of Transport and Marine Economy. Applications for the issuance of the consent, containing information on the intended research and the programme therefor, must be submitted not later than six months before the expected starting date of the research.

2. The Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, shall refuse to issue a licence or shall revoke a licence if the scientific research threatens to pollute the environment. In the same manner, the Minister of Transport and Marine Economy may withhold its consent to the conduct of such research if the said research:

- (1) Relates directly to the natural resources of the zone;
- (2) Involves drilling into the seabed, the use of explosives or the introduction of harmful substances into the marine environment;
- (3) Involves the construction or use of artificial islands, installations and structures.

Article 30

Foreign States and foreign natural and juridical persons, as well as competent international organizations, conducting scientific research in Polish maritime areas shall be required to:

- (1) Ensure the participation of Polish representatives in the research, including their presence on board research vessels and at other installations;
- (2) Inform the Minister of Transport and Marine Economy, at his request, of the results of the research;
- (3) Enable the Minister of Transport and Marine Economy, at his request, to have access to all data and samples derived from the research;
- (4) Inform the Minister of Transport and Marine Economy without delay of any major change in the research programme;

(5) Remove the scientific research installations and equipment without delay once the research is completed, unless a separate licence to leave them has been obtained.

Article 31

Polish natural or juridical persons may engage in scientific research in Polish maritime areas without a licence. The said persons shall inform the director of the competent marine office concerning the geographical areas and method to be used for the research 14 days before the research is begun and after the research is concluded.

Article 32

The Minister of Transport and Marine Economy shall require the cessation of any research in Polish maritime areas referred to in articles 28 and 29, or to revoke a licence issued on the basis of article 29, if the research is carried out in a manner not consistent with the provisions of the Act, or with special provisions established by the licence, or if the research has harmful consequences for the environment.

Section 6

Exploitation of mineral resources

Article 33

1. The right to the exploration, extraction and utilization of mineral resources in Polish maritime areas shall be held by the State.
2. The exploration, extraction and utilization of mineral resources referred to in paragraph 1 shall require a licence from the Minister of Environmental Protection, Natural Resources and Forestry, issued in agreement with the Minister of Transport and Marine Economy.
3. Foreign natural or juridical persons may participate in the exploration, extraction and utilization of mineral resources which are referred to in paragraph 2 if provision therefor is made by international treaties binding on the Polish Republic or if they are acting on the basis of the licences referred to in paragraph 2.

Article 34

The investigation, prospecting, exploration and extraction of mineral resources shall be subject, *mutatis mutandis*, to the regulations relating to geological research, the extraction and utilization of minerals and the regulations relating to the protection of the marine environment and the safety of navigation and life at sea.

Section 7

Tourism and water sports

Article 35

The exercise of tourism and water sports in Polish maritime areas may take place under such conditions and in such a manner as are consistent with the provisions of Polish law.

Section 8
The coastal area

Article 36

1. The coastal area is a land area adjacent to the sea-coast.
2. The coastal area shall include:

(1) The technical area constituted by the area which directly separates the sea and the land from each other; it is an area intended for keeping the coast in a condition consistent with the needs of safety and environmental protection;

(2) The protective area, which comprises the area in which human activity has a direct influence on the status of the technical area.

3. The coastal area shall run along the sea-coast.
4. The Council of Ministers shall, by means of an ordinance, define the boundaries and width of the technical area and the protective area.

Article 37

1. The technical area may be utilized for purposes other than those referred to in article 36, paragraph 2, subparagraph (1), with the consent of the competent authority of the marine administration, which shall at the same time define the conditions for such utilization.
2. The creation of hunting districts in the technical area is prohibited.
3. Authorizations [pozwolenia] under water law and decisions in matters relating to construction, to changes in afforestation, to the planting of trees and to the creation of hunting districts, as well as the formulation and execution of plans for bringing land into economic use in the protective area, shall require coordination with the director of the competent marine office.
4. All plans and projects related to the economic use of the technical area, the internal waters and the territorial sea shall be approved by the authorities of the marine administration in agreement with the competent coastal communities.

PART III
THE MARINE ADMINISTRATION

Section 1
Structure of the authorities of the marine administration

Article 38

The authorities of the marine administration are:

- (1) The Minister of Transport and Marine Economy;
- (2) The directors of the marine offices, as the local authorities of the marine administration.

Article 39

1. The director of a marine office shall be subordinate to the Minister of Transport and Marine Economy.
2. The director of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy. The deputy directors of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy at the request of the director of the marine office.
3. The director of a marine office shall exercise his functions with the assistance of the marine office.
4. The composition of the marine offices shall include, in particular, the marine inspectorate, the harbour-master offices [kapitanaty] of large ports and the boatswain offices [bosmanaty] of small ports.

Article 40

1. Marine offices shall be created and abolished by the Minister of Transport and Marine Economy by means of ordinances.
2. The Minister of Transport and Marine Economy, after obtaining the opinion of the competent provincial governors, shall, by means of ordinances, define the territorial sphere of activity of the directors of marine offices and the headquarters of the offices.
3. The organization of a marine office and the detailed sphere of activity of the director of a marine office shall be defined by a statute issued by the Minister of Transport and Marine Economy.

Article 41

1. Staff members of specified categories employed by the authorities of the marine administration shall wear their service uniforms during the exercise of their functions.
2. The Minister of Transport and Marine Economy shall, by means of an ordinance, define the categories of staff members required to wear uniforms, the manner of their assignment and the pattern of the said uniforms.

Section 2

Extent of jurisdiction and territorial scope of application

Article 42

1. The authorities of the marine administration shall deal with matters in the sphere of governmental administration which are related to the utilization of the sea within the scope governed by this Act and other Acts.
2. In particular, the authorities of the marine administration shall deal with matters relating to:
 - (1) The safety of marine navigation;

- (2) The utilization of maritime routes and of large and small seaports;
- (3) The conduct of marine fishing and the exploitation of other living resources of marine waters;
- (4) Safety relating to the investigation, exploration and exploitation of the mineral resources of the seabed;
- (5) The protection of the marine environment against pollution resulting from the utilization of the sea and pollution resulting from the dumping of wastes and other substances;
- (6) The saving of lives, the conduct of underwater work and the extraction of resources from the sea;
- (7) Technical supervision by specialists;
- (8) Technical and construction surveillance;
- (9) The protection of large and small seaports against fire;
- (10) The coordination of decisions in matters involving the issuance of authorizations under water law and the issuance of construction authorizations in the technical area, large and small seaports, the internal waters and the territorial sea, as well as all other decisions relating to the economic use of the said area, unless otherwise provided by a separate regulation;
- (11) The construction, preservation and protection of coastal fortifications, dunes and protective afforestations in the technical area.

3. The authorities of the marine administration shall also carry out assignments in the field of international cooperation in the sphere of the matters referred to in paragraphs 1 and 2.

4. The rendering of decisions in the matters referred to in paragraph 2, subparagraphs (10) and (11), shall take place after the opinion of the competent authority of the territorial autonomous government has been obtained.

Article 43

In matters which relate to the jurisdiction of authorities of the marine administration and which are decided in the course of an administrative proceeding, the decision at first instance shall be rendered by the directors of the marine offices, unless by virtue of a special regulation the competent organ at first instance is the Ministry of Transport and Marine Economy.

Article 44

1. The authorities of the marine administration shall act in Polish maritime areas, in large and small seaports and in the technical area, unless otherwise provided by a special regulation.

2. The authorities of the marine administration shall also be competent to perform on the open sea tasks defined by international treaties and by Polish law.

Article 45

1. Subject to the provisions of article 5, paragraph 4, the boundaries of seaports on the sea side and those of their roadsteads, with the exception of military ports, shall be defined by the Minister of Transport and Marine Economy, in agreement with the ministers concerned. The boundaries of ports on the land side shall be defined by the Minister of Transport and Marine Economy, after obtaining the opinion of the competent community councils.
2. The directors of the marine offices, after obtaining the opinion of the competent community councils and the authorities responsible for the defence of the State frontier, shall define the boundaries of small seaports.
3. The Minister of National Defence, in coordination with the Minister of Transport and Marine Economy, shall define the boundaries of military ports.

Article 46

The Minister of Transport and Marine Economy, in agreement with the Ministers of National Defence and of the Interior, shall define the cooperation of marine offices with the Navy and the Frontier Guard Service in the sphere referred to in article 42.

Section 3
Regulations issued by the local authorities
of the marine administration

Article 47

1. The directors of the marine offices shall issue legal regulations on the basis of the powers conferred upon them in legislative acts.
2. Subject to article 48, the regulations referred to in paragraph 1 shall be issued in the form of orders [zarządzenia].
3. An order issued by the director of a marine office must be proclaimed in the provincial official gazette which is competent from the standpoint of the territorial sphere of application of the said order.
4. An order issued by the director of a marine office shall enter into force after the expiry of 14 days from the date of its proclamation [ogłoszenie], unless it provides for a different period or unless such a period follows from the Act on the basis of which it was issued.

Article 48

1. In any sphere not standardized by regulations, if this is necessary for the protection of life, health or property at sea or for the protection of the marine environment, the director of the marine office may establish ordinary regulations [przepisy porządkowe] containing prohibitions or commands concerning the behaviour referred to.
2. The ordinary regulations referred to in paragraph 1 shall be formulated in the form of an ordinary order [zarządzenie porządkowe].

3. The scope of application of an ordinary order shall be stated therein.
4. An ordinary order shall enter into force on the date defined therein, but not later than the date of its proclamation, in the manner defined in paragraph 5 or 6.
5. An ordinary order shall be subject to proclamation in the provincial official gazette competent with respect to the territorial scope of application of the said order.
6. Where it becomes necessary that an ordinary order should enter into force immediately, it may be published [publikowane] by means of notices at its places of enforcement, by means of radio broadcasts or in any customary manner commonly accepted in marine navigation or in the locality concerned. The date on which an ordinary order is so published shall be deemed to be the date of its proclamation.
7. An ordinary order proclaimed in the manner defined in paragraph 6 shall thereafter be published [podane do wiadomości] in the competent provincial official gazette.

Section 4
Exercise of supervision

Article 49

Supervision over compliance with the provisions of the Act shall be exercised by the authorities of the local marine administration.

Article 50

1. The marine inspectorate, carrying out in Polish maritime areas the tasks referred to in article 42, shall have the right:
 - (1) To verify whether ships are entitled to pursue the activities they are engaged in and whether they possess the licences provided for under law;
 - (2) To verify whether navigation, fishing or any other activity is being carried out in accordance with the provisions of Polish law which are in force and with international treaties;
 - (3) To discover any pollution of the marine environment caused by activities at sea and to discover the persons responsible therefor.
2. The marine inspectorate shall exercise the rights referred to in paragraph 1 in collaboration with the Frontier Guard Service, making use of its forces and means.
3. If there is no inspector of the marine inspectorate present on board a water-borne unit of the Frontier Guard Service, the said Service may of its own accord exercise the rights referred to in paragraph 1 on behalf of the local authority of the marine administration.
4. The transfer to the Frontier Guard Service of means owned by the marine offices for the exercise of the rights referred to in paragraph 1 shall take place by agreement between the Ministers of Transport and Marine Economy and of the Interior.

5. In the cases referred to in paragraph 3, the rights of the inspector of the marine inspectorate which are referred to in article 51 and in article 52, paragraph 1, shall be held, mutatis mutandis, by the commanders of the water-borne units of the Frontier Guard Service.

Article 51

While performing his service functions, an inspector of the marine inspectorate, hereinafter referred to as "an inspector", shall be entitled:

(1) To examine the documents granting entitlement to marine fishing or any other activity in Polish maritime areas;

(2) To examine the fishing gear and the fish on the deck, in the processing rooms and in the holds of a ship;

(3) To secure abandoned fish and articles used for fishing;

(4) To demand explanations and to carry out the activities necessary for conducting the examination, and in cases in which there is a well-founded suspicion that the Act or the regulations issued on the basis of the Act are being or have been violated:

(a) To retain the documents referred to in subparagraph 1;

(b) To seize fish and articles used for catching fish and to secure them;

(c) To examine the compartments on board a vessel from which fishing or any other activity exploiting Polish maritime areas is being or has been carried on.

Article 52

1. If there arises a well-founded suspicion that the provisions of the Act are being or have been violated, the inspector may examine a foreign ship found in Polish maritime areas and compel it to enter a designated port, using all necessary means.

2. If a foreign ship is stopped and brought to a Polish port, the local authority of the marine administration shall notify that fact without delay to the competent authority of the flag State of the ship.

3. Examination in the sphere of protection of the marine environment against pollution from vessels shall be regulated by a separate Act.

Article 53

1. The master of a ship found in Polish maritime areas shall be required, upon a signal given from a water-borne unit of the Frontier Guard Service, to stop the ship and make it possible to conduct inspection activities.

2. An inspector shall have the right to be present on board any ship carrying on any activity in Polish maritime areas.

3. While an inspector is present on board a ship, the commander of the said ship must enable him to carry out his verification of compliance with the regulations in force and his observation of the activities being carried on and must, in particular:

- (1) Provide any necessary explanations;
- (2) Present for examination the documents demanded, together with the ship's log;
- (3) Enable the inspector to view the fish that have been caught and the fishing gear, the equipment used for research and the samples taken in the course of the research and the analyses carried out;
- (4) Enable the inspector to make entries in the ship's log;
- (5) Enable the inspector to use means of communication and provide him with assistance in the sending and receiving of messages;
- (6) Provide all other assistance necessary for carrying out the examination in accordance with regulations;
- (7) Provide the necessary quarters and food in the event of a prolonged stay on board the ship.

Article 54

While performing his service functions, an inspector shall be required to wear his uniform and inspection insignia.

PART IV FINES

Article 55

1. A shipowner from whose ship, during its stay in Polish maritime areas, the following activities are carried out in violation of the provisions of this Act and other Acts and of regulations issued on the basis thereof:

- (1) Exploitation of the mineral resources or living resources of the sea;
- (2) Pollution of the marine environment;
- (3) Scientific research pertaining to the sea and the seabed;
- (4) The construction of artificial islands, installations and structures;
- (5) The laying of submarine cables and pipelines,

shall be punishable by a fine equivalent to not more than \$1 million units of account known as "Special Drawing Rights" (SDR), defined by the International Monetary Fund.

2. A person who violates the regulations relating to the exploitation of artificial islands, structures, installations, submarine cables and pipelines shall be subject to the same penalty.

Article 56

A person who:

- (1) Stops or anchors a ship outside of the location designated therefor;
- (2) Navigates a ship outside of navigation routes or fails to follow the course designated by a competent authority;
- (3) Navigates a vessel into a zone which is closed to navigation and fishing and leaves fishing gear in that zone;
- (4) Navigates a ship out of a port in spite of a received prohibition;
- (5) Loads or unloads goods from a ship at a location not designated therefor;
- (6) Establishes contact with the shore which causes danger to the safety of navigation;
- (7) Leaves a ship in an unauthorized location;
- (8) Takes persons on board a ship or sets persons down from a ship in violation of customs, fiscal, immigration or health regulations;
- (9) Violates a regulation issued on the basis of articles 47 and 48;
- (10) Does not comply with the commands referred to in article 52, paragraph 1;
- (11) Damages coastal fortifications or dunes or protective afforestations or in any other manner violates the principles of behaviour in the technical area;
- (12) Damages or removes navigational signs or uses them in a manner not consistent with their purpose;
- (13) Sets in motion equipment which impairs the effectiveness of the navigational sign system,

shall be subject to a fine not exceeding ten times the average monthly remuneration in nationalized industry for the preceding year proclaimed by the Chairman of the Central Statistical Office.

Article 57

1. The fines referred to in articles 55 and 56 shall be imposed by the director of the marine office in the form of administrative decisions.
2. Appeals against the decisions referred to in paragraph 1 may be lodged with the Minister of Transport and Marine Economy.
3. The decisions referred to in paragraph 1 shall be immediately executable.

Article 58

1. No fine may be imposed if five years have elapsed since the date on which the deed in question was committed.
2. A fine which has been imposed shall not be collected after the expiry of five years from the date on which the final decision to impose the fine was taken.

Article 59

1. In order to guarantee the levy of the fine, the director of the marine office may require the offender to provide security, and in the event of refusal, he shall apply to an enforcement authority for seizure of the ship or other articles with the aid of which the violation of regulations was committed.
2. Pending the issuance of an order for seizure of the ship, the director of the marine office shall make arrangements for the detention of the ship, but not longer than for 48 hours.
3. The guarantee of the levy of the fine shall consist in the payment of the amount established by the authority conducting the proceedings into that authority's deposit account or in the provision of a bank guarantee by a bank or insurance institution which has its head office in Poland.
4. Fines imposed on the basis of articles 55 and 56 which have not been paid within the designated period shall be subject, together with the interest for the period of the delay, to collection in the manner defined in the regulations for enforcement proceedings in the administration.

Article 60

Amounts collected as fines shall remain at the disposal of the Minister of Transport and Marine Economy and shall be devoted to the protection of the marine environment and the living resources of the sea.

PART V
AMENDMENTS TO REGULATIONS CURRENTLY IN FORCE

Article 61

In the Act of 21 May 1963 concerning marine fishing (Dziennik Ustaw No. 22, item 115; 1970, No. 3, item 14; and 1977, No. 37, item 163), section 7 is deleted.

Article 62

The following amendments are made to the Code of Procedure in Matters concerning Infractions [wykroczenia]:

(1) In the title of part XIII, the words "morskiej i" ["marine and"] are deleted;

- (2) In article 43:
- (a) In paragraph 1, the words "urzędach morskich i" ["marine offices and"] are deleted;
 - (b) Paragraph 2 is amended to read as follows:

"Paragraph 2. The authorities acting at first instance shall be the boards [kolegia] of district mining offices and mining offices of equal rank, and the authority acting at second instance shall be the board of the Higher Mining Office.";
- (3) In article 144, paragraph 2 is deleted;
- (4) In article 145, the words "urzędu morskiego i" ["marine office and"] are deleted;
- (5) Article 146 is deleted;
- (6) In article 147, paragraph 1 and the designation "Paragraph 2" are deleted;
- (7) Article 148 is deleted;
- (8) In article 149, the words "administracji morskiej i" ["marine administration and"] are deleted;
- (9) In article 150:
- (a) In paragraph 1, the words "przy Ministrze Żeglugi oraz" ["with the Minister of Navigation and"] are deleted;
 - (b) In paragraph 2, the words "odpowiednio Minister Żeglugi oraz" ["respectively, the Minister of Navigation and"] are deleted;
- (10) In article 151:
- (a) Paragraph 1 is amended to read as follows:

"Paragraph 1. Higher supervision over the activities of the boards of the mining offices shall be exercised by the Chairman of the Higher Mining Office."
 - (b) In paragraph 2, the words "Minister Żeglugi i" ["Minister of Navigation and"] are deleted, and the word "moż" [may (plural verb)] is replaced by the word "może" [may (singular verb)].

Article 63

In the Act of 20 May 1971 concerning the composition of boards in matters involving infractions (Dziennik Ustaw No. 12, item 118; 1972, No. 49, item 312; 1974, No. 24, item 142; 1975, No. 16, item 91; 1982, No. 45, item 291; 1989, No. 35, item 192; and 1990, No. 43, item 251), in article 2, paragraph 1, subparagraphs (2) and (5) are deleted.

Article 64

In the Act of 24 November 1974 - Water Law (Dziennik Ustaw No. 38, item 230; 1980, No. 3, item 6; 1983, No. 44, item 201; 1989, No. 26, item 139, and No. 35, item 192; and 1990, No. 34, item 198, and No. 39, item 232), in article 55, paragraph 2, item 7 is amended to read as follows:

"(7) The accumulation of liquid and solid wastes in the technical area and in seaports - in coordination with the director of the competent marine office,".

Article 65

In the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163), article 1, article 2, paragraphs 1 and 2, and articles 3 to 9 are deleted.

PART VI
TRANSITIONAL AND FINAL PROVISIONS

Article 66

Matters pertaining to infractions which are brought before the infraction boards of the marine offices and have not been completed by the date of entry into force of the Act shall, until such time as they have been concluded with legal force, be dealt with by those boards in accordance with the provisions in force up to the present time.

Article 67

1. The treaties referred to in article 16, paragraph 1, are:

(1) Treaty between the Polish People's Republic and the Union of Soviet Socialist Republics concerning the Delimitation of the Territorial Sea (Territorial Waters), the Economic Zone, the Marine Fishery Zone and the Continental Shelf in the Baltic Sea, signed at Moscow on 17 July 1985 (Dziennik Ustaw, 1986, No. 16, item 85);

(2) Treaty concerning the Delimitation of the Continental Shelf and the Fishery Zones between the Polish People's Republic and the Kingdom of Sweden, concluded at Warsaw on 10 February 1989 (Dziennik Ustaw No. 54, item 323);

(3) Treaty between the Polish People's Republic and the German Democratic Republic concerning the Delimitation of Marine Areas in the Bay of Pomerania, signed at Berlin on 22 May 1989 (Dziennik Ustaw No. 43, item 233).

2. Pending the conclusion of a treaty on the delimitation of maritime areas between the Polish Republic and the Kingdom of Denmark, article 2, paragraphs 3 and 4, of the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163) shall remain in force, subject to the condition that the term "Polish marine fishery zone" shall be understood to mean the Polish exclusive economic zone.

Article 68

The directors of the marine offices shall establish and publish, in the form of notices, in the competent provincial official gazettes, within a period of six months from the date of entry into force of the Act, lists of legal regulations which were issued before the date of entry into force of the Act and are universally binding in the areas of their validity. Regulations not included in a list shall cease to have effect.

Article 69

Pending the issuance of the enforcement regulations provided for in the Act, the regulations in force up to the present time shall, unless contrary to it, remain in force.

Article 70

The following shall cease to have effect:

(1) The decree of 2 February 1955 concerning the local authorities of the marine administration (Dziennik Ustaw No. 6, item 35; 1961, No. 6, item 42; 1971, No. 12, item 117; and 1989, No. 35, item 192);

(2) The Act of 17 December 1977 concerning the territorial sea of the Polish People's Republic (Dziennik Ustaw No. 37, item 162);

(3) The Act of 17 December 1977 concerning the continental shelf of the Polish People's Republic (Dziennik Ustaw No. 37, item 164, and 1989, No. 35, item 192).

Article 71

The Act shall enter into force on 1 July 1991.

L. Walesa
President of the Polish Republic

12. ROMANIA

Act concerning the Legal Regime of the Internal Waters, the Territorial
Sea and the Contiguous Zone of Romania, 7 August 1990*

[Original: Romanian]

CHAPTER I

The territorial sea and the internal waters of Romania

Article 1

The territorial sea of Romania includes the zone of the sea adjacent to the coast or, where applicable, the internal waters, having a width of 12 nautical miles (22,224 m) measured from the baselines.

The baselines are the lines of low tide along the coast or, where applicable, the straight lines which join the most advanced points of the coast, including the coasts of islands, mooring places, hydrotechnical works and other permanent harbour installations.

The geographical coordinates of the points between which the straight baselines are drawn are listed in the annex.

The outer limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles measured from the nearest point of the baselines.

Article 2

The territorial sea of Romania shall be delimited from the territorial sea of neighbouring States through agreements concluded with each of the said States, in conformity with the principles and norms of international law.

Article 3

The outer and lateral limits of the territorial sea, established in accordance with the provisions of articles 1 and 2, shall constitute the marine State frontier of Romania.

Article 4

The waters situated between the sea coast and the baselines established in article 1 shall constitute the internal waters of Romania.

Article 5

The internal waters, the territorial sea and the soil and subsoil thereof, together with the airspace above them, shall be part of the territory of Romania.

* Translation provided by the United Nations Secretariat. Text communicated to the Secretariat in Romanian and French by a note verbale dated 5 June 1991; published in the official Gazette on 9 August 1990.

In the said spaces Romania shall exercise sovereignty in conformity with its national laws and with the provisions of the international conventions to which it is a party, having due regard for the principles and norms of international law.

CHAPTER II

The contiguous zone of Romania

Article 6

The contiguous zone of Romania is the zone of the sea adjacent to the territorial sea and extending along the sea coast to a distance of 24 nautical miles measured from the baselines established in article 1.

Article 7

In its contiguous zone Romania shall exercise control to prevent and punish infractions of its customs, fiscal and sanitary laws and regulations and infractions relating to the crossing of the State frontier.

CHAPTER III

Innocent passage through the territorial sea

SECTION A

Rules applicable to all foreign ships

Article 8

Innocent passage of foreign ships through the territorial sea of Romania shall take place under the conditions established in this Act and in other regulations in force, subject to observance of the norms of international law.

The term "passage" means navigation through the territorial sea for the purpose of:

- (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) proceeding to or from internal waters or a call at such roadstead or port facility.

The passage shall be continuous and expeditious. The ships shall follow the recommended maritime routes, channels and passes specified on marine charts and in navigational documents.

During its innocent passage a ship shall not be permitted to stop or anchor except in cases when that is necessitated by the needs of navigation or as the result of a case of force majeure or distress for the purpose of saving persons or rendering assistance to ships or aircraft in danger or distress.

Article 9

The passage of a foreign ship through the territorial sea is innocent as long as it is not prejudicial to peace, good order or national security.

Passage shall be considered to be prejudicial to peace, good order or national security if in the territorial sea or the internal waters the said ship engages in one of the following activities:

- (a) The threat or use of force against the sovereignty, territorial integrity or political independence of Romania or in any other manner in violation of the principles of international law;
- (b) Practice or exercise with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of national defence or security;
- (d) Any act of propaganda aimed at affecting the national defence or security;
- (e) The launching from the ship, the landing on the ship's deck or the taking on board the ship of flying apparatus of any kind;
- (f) The launching, landing or taking on board of any military device, divers, submarines, other underwater vehicles or any other installations capable of carrying on underwater research;
- (g) The loading or unloading of any commodity, currency or persons contrary to the laws and regulations in force;
- (h) Wilful and serious pollution, of any kind, of the water and the atmosphere;
- (i) Any fishing activities;
- (j) Any scientific or archaeological research or hydrographic survey;
- (k) Any activity carried out in violation of international regulations in the field of radio communications aimed at interfering with any system of communications or any other facilities or installations;
- (l) Any other activity not having a direct bearing on the passage or carried out in violation of the conditions established in this Act.

Article 10

No ship may enter the territorial sea, the internal waters or port facility of Romania if it has on board any nuclear weapons or chemical or other weapons of mass destruction, or if it transports such weapons or ammunition for them or any other merchandise or products prohibited by the laws of Romania.

Article 11

Foreign nuclear-powered ships may enter roadsteads or port facilities only with prior approval from the competent Romanian authorities, which must be requested at least 30 days before the date of entry.

Article 12

Foreign nuclear-powered ships and foreign ships which transport radioactive substances or other dangerous substances shall, when exercising the right of innocent passage through the territorial sea, carry documents established by international agreements for such ships and the cargo they are transporting and observe special precautionary measures established by the said agreements.

Article 13

Inspection of the safety documents of nuclear-powered ships and of ships which transport radioactive substances or other dangerous substances, dosimetric inspections and all other inspections related to the protection of the environment shall be carried out by the competent Romanian authorities, at the places established therefor. During such time as the ships are stopped in port facilities or roadsteads, additional inspections may be carried out.

If as a result of the inspection it is found that the presence of a ship may lead to dangerous consequences, the competent Romanian authorities may order the ship concerned to leave the territorial sea within a prescribed period of time.

Article 14

Foreign ships exercising the right of innocent passage through the territorial sea or are stopped in port facilities or roadsteads may use radio navigation equipment, hydro-acoustic apparatus and radio communication apparatus, electronic and optical observation systems only for the needs of safety of navigation and of lying at anchor and for communicating with the port facility authorities and carrying on radio traffic, in clear or using codes, with Romanian land stations, following the rules and procedures prescribed in the Radio Regulations annexed to the International Convention on Telecommunications.

Article 15

The competent Romanian authorities shall take the necessary measures to prevent any violation of the conditions established by the regulations in force in connection with the admittance of foreign ships into the internal waters or port facilities and shall use all legal means, including coercive measures, to prevent the passage of any foreign ship through the internal waters or the territorial sea when such passage is not innocent.

Article 16

The competent Romanian authorities may, in specified zones of the territorial sea, temporarily suspend the innocent passage of foreign ships if such suspension is required in order to ensure the security of the country or is necessary for the execution of military exercises.

The measures for the suspension of innocent passage provided for in the preceding paragraph shall be published in the "notices to mariners" issued by the competent Romanian authorities.

SECTION B

Rules applicable to foreign ships used for commercial purposes

Article 17

The criminal jurisdiction of Romania shall be applicable with respect to any infraction committed in Romanian territory by persons embarked on board foreign ships used for commercial purposes and shall also be applicable in respect of any infraction committed on board such a ship during the time when it is in Romanian harbours or in the internal waters.

The criminal jurisdiction of Romania shall not be exercised on board a foreign ship used for commercial purposes which is in passage through the territorial sea, with respect to an infraction committed on board that ship, with the exception of those cases in which:

(a) The infraction has been committed by a Romanian national or by a stateless person domiciled in the territory of Romania;

(b) The infraction is directed against the interests of Romania or against a Romanian national or a person resident in the territory of Romania;

(c) The infraction is of such a nature as to disturb the good order and peace of the country or order in the territorial sea;

(d) The exercise of Romanian jurisdiction is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances;

(e) The assistance of the Romanian authorities has been requested, in writing, by the master of the ship or by a diplomatic agent or consular officer of the flag State.

Article 18

The criminal jurisdiction of Romania shall also be applicable in the case of violations of Romanian legislation in force with regard to the exclusive economic zone of Romania in the Black Sea by persons embarked on board foreign ships used for commercial purposes if the acts in question are committed under such conditions that they are considered infractions under the criminal law.

Article 19

Criminal jurisdiction on board a ship flying the flag of a State with which Romania has concluded a consular convention or other similar agreement shall be exercised with due regard for the provisions of the said convention or agreement.

Article 20

In the exercise of Romania's jurisdiction, the competent Romanian authorities may, in conformity with the legal provisions in force, order the detention or arrest of a foreign ship used for commercial purposes and levy execution against such a ship which is in the territorial sea or in the internal waters of Romania, in order to ensure the performance of contractual obligations or other obligations assumed by the ship in question during or in connection with its passage through the territorial sea of Romania, as well as for other claims resulting from navigational incidents which have resulted in damage to the ship or its cargo or have taken place as a result of boarding, assistance or salvage and for compensation, charges and the like.

SECTION C

Rules applicable to warships, submarines and other submersible vehicles and to other government ships operated for non-commercial purposes

Article 21

Foreign warships, submarines and other submersible vehicles and other government ships operated for non-commercial purposes may enter the territorial sea, harbours and roadsteads only with prior approval from the Romanian Government, except in cases in which they have suffered damage or are taking refuge from storms.

Approval must be requested at least 30 days before the scheduled date of the passage through the territorial sea or the call at harbours or roadsteads, except where otherwise agreed between Romania and the flag State.

Article 22

Foreign submarines and other foreign submersible vehicles passing through the territorial sea shall be required to navigate on the surface and to show their national flag. Those which are submerged shall be required to surface. In those cases in which, as a result of damage, they cannot reach the surface, they shall be required to signal their situation by every possible means.

Article 23

If a foreign warship does not comply with the laws and regulations of Romania in internal waters or in the territorial sea and disregards any request for compliance, it shall be required to leave the territorial sea of Romania immediately.

Article 24

Flag States shall bear international responsibility for any loss or damage caused by a foreign warship or by any other government ship operated for non-commercial purposes, as well as by any persons who are members of the crews of such ships, when the ship in question has been in the harbours, the internal waters and the territorial sea of Romania.

Article 25

Subject to the exceptions specified in section A and the conditions established in articles 21 to 24, foreign warships and other government ships operated for non-commercial purposes shall enjoy sovereign immunity during the time when they are in the harbours, the internal waters and the territorial sea of Romania.

CHAPTER IV

Right of hot pursuit beyond the territorial sea

Article 26

A foreign ship operated for commercial purposes may be pursued beyond the territorial sea of Romania and may be detained in order to establish its responsibility if there is good reason to believe that the ship has violated Romanian laws and regulations during the time when it was in the national waters, the internal waters, the territorial sea or the contiguous zone of Romania.

The hot pursuit may commence when the foreign ship or one of its boats is within the internal waters, the territorial sea or the contiguous zone.

The hot pursuit shall commence when the foreign ship fails to obey the order to stop, and it may be continued without interruption until the pursued ship enters the territorial sea of its own State or of a third State.

A ship arrested in accordance with the provisions of this article may be escorted to the nearest Romanian harbour for the purposes of an inquiry and the imposition of penalties.

If a ship has been arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 27

The right of hot pursuit provided for in the preceding article shall also apply in cases in which a foreign ship used for commercial purposes violates Romanian legislation relating to the exclusive economic zone of Romania in the Black Sea.

In such cases, the hot pursuit may commence only when the foreign ship concerned, or one of its boats, is in the internal waters, the territorial sea or the exclusive economic zone of Romania.

CHAPTER V

Scientific research in the territorial sea of Romania

Article 28

Scientific research activity, as well as activity relating to prospecting and the regulation of maritime traffic in the territorial sea of Romania, shall be carried out by the specialized Romanian institutions in accordance with approved programmes and with the advice of the competent Romanian authorities.

Article 29

Foreign individuals and bodies corporate may carry on scientific research in the territorial sea of Romania only with the express consent of the competent Romanian authorities and in accordance with the conditions prescribed by the said authorities.

CHAPTER VI

Protection of the marine environment

Article 30

The competent Romanian authorities shall establish regulations concerning the prevention, reduction and control of pollution of the marine environment and shall ensure compliance thereof in the port facility, the internal waters and the territorial sea of Romania.

Article 31

In accordance with the legislation in force, it shall be prohibited to pollute the internal waters and the territorial sea, or the atmosphere above them, by the disposal, dumping or discharge from a ship or other floating or fixed installation, from flying apparatuses or from land-based sources, of any toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or of creating obstacles to the legitimate uses of the sea.

Article 32

When there are reasonable grounds for believing that a ship used for commercial purposes which is in the internal waters or the territorial sea has violated Romanian law or international rules relating to the prevention, reduction and control of pollution of the marine environment, the competent Romanian authorities shall have the right to ask the ship in question to give information regarding its actions and to undertake physical inspection of that ship if the ship refuses to give information or if the information supplied is at variance with the evident factual situation.

Article 33

When there is clear objective evidence that a ship used for commercial purposes which is in the internal waters or the territorial sea has in those waters or in the exclusive economic zone of Romania committed a violation referred to in articles 30 and 31 resulting in a discharge of radioactive substances, hydrocarbons or other substances and residues which have caused major damage or threat of major damage to the Romanian coastline or to any resources of the internal waters and the territorial sea, the competent Romanian authorities may detain the ship and institute legal proceedings with respect to that violation, in accordance with Romanian legislation.

Article 34

In case of collision or stranding or any other maritime damage to a ship taking place in the internal waters or the territorial sea and when such an event may have consequences harmful to the internal waters and the territorial sea or to the Romanian coastline, the competent Romanian authorities shall have the right to take all necessary measures, proportionate to the actual damage or the threat it represents, in order to provide protection against the pollution or the threat of pollution.

CHAPTER VII

Penalties

Article 35

The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute infractions:

- (a) Violation of the prohibition referred to in article 10;
- (b) Violation of the prohibition referred to in article 31, as well as the illegal introduction, for purposes of the disposal, dumping or discharge into the internal waters or into the territorial sea of Romania, or the discharge into the atmosphere above them, from ships or other floating or fixed installations, from flying apparatuses or from submersible vehicles, of toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or creating obstacles to the legitimate uses of the sea;
- (c) Industrial fishing or any other activity involving illegal exploitation of the natural resources of the internal waters or the territorial sea, including the seabed and the subsoil of that zone;
- (d) Scuttling a ship in the internal waters or in the territorial sea or running a ship ashore on the coast;
- (e) The entry of nuclear-powered ships into Romanian harbours without approval from the competent Romanian authorities;
- (f) Failure to produce the documents provided for by international agreements for ships transporting radioactive or toxic substances or other dangerous substances and failure to take the precautionary measures provided for by those agreements;
- (g) The carrying on, without authorization from the competent Romanian authorities or in violation of the conditions established in such authorization, of scientific research activities, prospecting or other activities in the internal waters or the territorial sea of Romania;
- (h) The embarking or disembarking of persons or goods outside of harbours or places in which such operations are authorized;

(i) The unauthorized entry of a ship into a harbour which has been declared closed or into a zone of the territorial sea in which innocent passage has been temporarily suspended;

(j) Violation of the restrictions referred to in article 14;

(k) Violation of the prohibitions referred to in article 9 (e), (f) and (k);

(l) Failure to observe the rules established by the competent Romanian authorities with regard to the safety of navigation and the protection of telecommunication cables and submarine pipelines in the internal waters or the territorial sea.

The infractions referred to in items (a) to (g) shall be punishable by a fine of between 100,000 and 2,000,000 lei, and those referred to in items (h) to (l) shall be punishable by a fine of between 10,000 and 500,000 lei, the penalties being applied at the place where the infractions have been spotted.

Article 36

If the acts referred to in article 35 (a) to (g) have caused serious damage or have caused other grave consequences or have been committed repeatedly, the fine shall be from 1,000,000 to 2,000,000 lei.

For the acts referred to in article 35 (b) and (c), the penalty may, depending on the seriousness of the consequences and the extent of the damage, be a fine of between 2,000,000 and 10,000,000 lei.

In particularly serious situations, the competent Romanian authorities may order, as additional measures, the confiscation of the ship, the installations, the fishing gear, the apparatus and the other objects belonging to the person who used them to commit the infraction.

The goods acquired unlawfully shall be confiscated.

Article 37

The acts referred to in article 35 (d), (h), (i) and (j) shall not constitute infractions if they have been committed in order to guarantee the safety of a ship, to save human lives or to avoid damage to a ship or its cargo.

Article 38

The infractions shall be ascertained and the penalties shall be imposed, in conformity with the regulations in force, by the navigation monitoring and control authorities of the Ministry of Public Works, Transport and Territorial Administration and by the authorities specially empowered by the Ministry of National Defence, the Ministry of the Environment, the Ministry of the Interior, the Ministry of Agriculture and Food and the Ministry of Health, as well as by other legally authorized authorities.

Any objection to the infraction report may be filed, within a period of 15 days following the date of its communication, with the Sea and River Section of the Court of the Town of Constanta.

Article 39

The fines levied for infractions shall not exempt the violator from the obligation to furnish compensation for the damage caused on land, in the internal waters and in the territorial sea of Romania, in accordance with Romanian law.

Article 40

The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the official rate of exchange in force on the day on which the infraction was committed.

Article 41

The provisions of Act No. 32/1968 relating to the establishment and punishment of infractions, with the exception of articles 25, 26 and 27 of that Act, shall be applicable to the infractions referred to in article 35.

Article 42

When acts have been committed which under Romanian law result in the arrest of the master of the foreign ship or the detention of the ship, the competent Romanian authorities shall immediately inform the diplomatic agents or consular officers of the flag State of the measures taken.

A detained ship and its crew shall be released immediately upon the payment of proper adequate security, in accordance with the legal provisions in force. The security shall be fixed in lei and shall be paid in convertible currency, by converting the sum in lei at the official rate of exchange in force on the day on which the infraction was committed.

Article 43

The authorities of the Ministry of National Defence shall ensure the application of the provisions of articles 21 to 23 and articles 26 and 27 and shall render assistance to other competent State authorities in the application of coercive measures against foreign ships in the territorial sea which are taken in accordance with the provisions of this Act.

CHAPTER VIII

Final provisions

Article 44

The term "territorial sea", as defined in article 1, shall replace the term "territorial waters" used in legal provisions prior to this Act.

Article 45

This act shall enter into force 90 days after the date of its publication in Monitorul Oficial al României.

GEOGRAPHICAL COORDINATES

of the points between which the straight baselines from which the width of the marine spaces of Romania is measured are drawn.

Geographical coordinates of the points			
Segment	Points	Latitude	Longitude
A	1	45° 10' 51"	29° 45' 56"
	2	45° 08' 42"	29° 46' 20"
B	2	Same as segment A	
	3	44° 50' 23"	29° 36' 52"
C	3	The line of low tide	
	4		
D	4	44° 46' 52"	29° 31' 48"
	5	44° 43' 38"	29° 03' 10"
E	5	Same as segment D	
	6	44° 31' 26"	28° 52' 20"
F	6	Same as segment E	
	7	44° 07' 15"	28° 41' 50"
G	7	Same as segment F	
	8	43° 59' 14"	28° 40' 09"
H	8	Same as segment G	
	9	43° 44' 20"	28° 34' 51"

13. SENEGAL

Decree No. 90-670 of 18 June 1990 on the Drawing of Baselines

[Original: French*]

Introductory report

The United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982 and ratified by Senegal, contains specific provisions concerning the different systems for drawing baselines, taking account in particular of the configuration of the coast in question. These baselines serve as the starting point for measuring the breadth of the maritime waters under the jurisdiction of each State Party to the Convention.

Before the international community reached this consensus, Senegal, like other States, had already fixed its baselines (Decree No. 72.765 of 5 July 1972).

The laws fixing the breadth of the maritime waters under Senegalese jurisdiction are as follows:

- Act No. 85-14 of 25 February 1985, delimiting the territorial sea of the contiguous zone and the continental shelf;
- Act No. 87-27 of 18 August 1987, establishing the maritime fisheries code and, in particular, fixing the breadth of the exclusive economic zone.

Although the Convention in question has not yet entered into force because the requisite number of ratifications has not been secured, the fact that Senegal has ratified the Convention means that the drawing of our baselines must be brought into line with its provisions by combining normal baselines and straight baselines in accordance with the particular configuration of our coast.

This is the background, Mr. President, to the draft Decree submitted for your approval.

The President of the Republic,

Having regard to the Constitution, and in particular articles 37 and 65 thereof,

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

Having regard to Act No. 87-27 of 18 August 1987 establishing the maritime fisheries code, and in particular article 2 thereof,

The Supreme Court having given its opinion on the report of the Minister for Animal Resources at its sitting of 6 April 1990,

* Translation provided by the United Nations Secretariat.

DECREES:

Article 1

The breadth of the maritime areas under Senegales jurisdiction (territorial sea, contiguous zone, continental shelf and economic zone) shall be measured from normal baselines (low water line) and straight baselines, as defined in this Decree.

Article 2

The straight baselines shall be established in accordance with the lines joining the following points:

1. From the tip of Langue de Barbarie ($15^{\circ} 52' 42''$ N - $16^{\circ} 31' 36''$ W) to point P1 ($15^{\circ} 48' 05''$ N - $16^{\circ} 31' 32''$ W);
2. From point P2 ($14^{\circ} 45' 49''$ N - $17^{\circ} 27' 42''$ W) to the northern tip of île de Yoff ($14^{\circ} 46' 18''$ N - $17^{\circ} 28' 42''$ W);
3. From the northern tip of île de Yoff ($14^{\circ} 46' 18''$ N - $17^{\circ} 28' 42''$ W) to the northern tip of île de Ngor ($14^{\circ} 45' 30''$ N - $17^{\circ} 30' 56''$ W);
4. From the northern tip of île de Ngor ($14^{\circ} 45' 30''$ N - $17^{\circ} 30' 56''$ W) to feu des Almadies ($14^{\circ} 44' 36''$ N - $17^{\circ} 32' 36''$ W);
5. From the tip of feu des Almadies ($14^{\circ} 44' 36''$ N - $17^{\circ} 32' 36''$ W) to the south-western tip of île des Madeleines ($14^{\circ} 39' 10''$ N - $17^{\circ} 28' 25''$ W);
6. From the south-western tip of île des Madeleines ($14^{\circ} 39' 10''$ N - $17^{\circ} 28' 25''$ W) to the tip of Cap Manuel ($14^{\circ} 39' 00''$ N - $17^{\circ} 26' 00''$ W);
7. From the tip of Cap Manuel ($14^{\circ} 39' 00''$ N - $17^{\circ} 26' 00''$ W) to Sud Gorée point ($14^{\circ} 39' 48''$ N - $17^{\circ} 23' 54''$ W);
8. From Sud Gorée point ($14^{\circ} 39' 48''$ N - $17^{\circ} 23' 54''$ W) to Rufisque lighthouse ($14^{\circ} 42' 36''$ N - $17^{\circ} 17' 00''$ W);
9. From the western tip of Sangomar ($13^{\circ} 50' 00''$ N - $16^{\circ} 45' 40''$ W) to the northern tip of île des Oiseaux ($13^{\circ} 39' 42''$ N - $16^{\circ} 40' 20''$ W);
10. From the southern tip of île des Oiseaux ($13^{\circ} 38' 15''$ N - $16^{\circ} 38' 45''$ W) to Djinnak point ($13^{\circ} 35' 36''$ N - $16^{\circ} 32' 54''$ W);
11. From point P3 ($12^{\circ} 46' 30''$ N - $16^{\circ} 47' 20''$ W) to point P4, northern tip of île des Oiseaux ($12^{\circ} 45' 30''$ N - $16^{\circ} 47' 20''$ W);
12. From point P4 ($12^{\circ} 45' 30''$ N - $16^{\circ} 47' 20''$ W) to point P5, southern tip of île des Oiseaux ($12^{\circ} 44' 50''$ N - $16^{\circ} 47' 20''$ W);
13. From point P5 ($12^{\circ} 44' 50''$ N - $16^{\circ} 47' 20''$ W) to point P6, southern tip of île de la Goelette ($12^{\circ} 39' 15''$ N - $16^{\circ} 47' 00''$ W);
14. From point P6 ($12^{\circ} 39' 15''$ N - $16^{\circ} 47' 00''$ W) to point P7, tower at Diemboring point ($12^{\circ} 29' 00''$ N - $16^{\circ} 47' 36''$ W);

Article 3

Everywhere else, the breadth of the maritime areas under Senegalese jurisdiction shall be measured from the low water line.

Article 4

The Minister for the Armed Forces, the Minister for Foreign Affairs, the Minister for the Interior, the Minister for Equipment, Transport and Housing, the Minister for Rural Development and Water Supply, the Minister for Industry and Crafts and the Minister for Animal Resources shall be responsible within their respective fields for the implementation of this Decree, which shall be published in the Official Journal.

DONE at Dakar, 18 June 1990.

14. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

TERRITORIAL SEA ACT 1987*

1987 Chapter 49

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

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

Extension of territorial sea

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

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

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

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

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

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

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

* This Act has already been published in Current Developments in State Practice No. II (pp. 48 - 54); it is being published again here as to facilitate the reading of The Territorial Sea (Limits) Order 1989. Entered into force on 1 October 1987.

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

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

Enactments and instruments not affected

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

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

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

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

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

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

(5) In this section:

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

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

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

Amendments and repeals

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

(2) Her Majesty may by Order in Council:

(a) make, in relation to any enactment passed or instrument made before the date on which section 1 above comes into force, any amendment corresponding to any of those made by Schedule 1 to this Act;

1981 c.69. (b) amend subsection (1) of section 36 of the Wildlife and Countryside Act 1981 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Great Britain as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 6 of Schedule 1 to this Act, may be designated under that section;

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(N.I.I.) (c) amend paragraph 1 of article 20 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Northern Ireland as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 9 of Schedule 1 to this Act, may be designated under that article.

1964 c.29. (3) Her Majesty may by Order in Council make such modifications of the effect of any Order in Council under section 1 (7) of the Continental Shelf Act 1964 (designated areas) as appear to Her to be necessary or expedient in consequence of any provision made by or under this Act.

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

Short title, commencement and extent

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

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

(3) This Act extends to Northern Ireland.

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

SCHEDULES

Section 3

Schedule 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Coast Protection Act 1949

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

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

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

The Mineral Workings (Offshore Installations) Act 1971

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

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

The Salmon and Freshwater Fisheries Act 1975

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

The Customs and Excise Management Act 1979

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

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

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

Amendments and repeals

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

(2) Her Majesty may by Order in Council:

(a) make, in relation to any enactment passed or instrument made before the date on which section 1 above comes into force, any amendment corresponding to any of those made by Schedule 1 to this Act;

1981 c.69.

(b) amend subsection (1) of section 36 of the Wildlife and Countryside Act 1981 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Great Britain as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 6 of Schedule 1 to this Act, may be designated under that section;

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(N.I.I.)

(c) amend paragraph 1 of article 20 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (marine nature reserves) so as to include such other parts of the territorial sea adjacent to Northern Ireland as may be specified in the Order in the waters and parts of the sea which, by virtue of paragraph 9 of Schedule 1 to this Act, may be designated under that article.

1964 c.29.

(3) Her Majesty may by Order in Council make such modifications of the effect of any Order in Council under section 1 (7) of the Continental Shelf Act 1964 (designated areas) as appear to Her to be necessary or expedient in consequence of any provision made by or under this Act.

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

Short title, commencement and extent

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

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

(3) This Act extends to Northern Ireland.

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

SCHEDULES

Section 3

Schedule 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Coast Protection Act 1949

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

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

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

The Mineral Workings (Offshore Installations) Act 1971

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

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

The Salmon and Freshwater Fisheries Act 1975

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

The Customs and Excise Management Act 1979

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

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

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

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

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

The Alcoholic Liquor Duties Act 1979

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

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

The Wildlife and Countryside Act 1981

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

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

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

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

The Oil and Gas (Enterprise) Act 1982

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

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

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

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

The Public Health (Control of Disease) Act 1984

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

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

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

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

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

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

Schedule 2

Section 3

REPEALS

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

Territorial Sea

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

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

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

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

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

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

1989 No. 482
TERRITORIAL SEA

The Territorial Sea (Limits) Order 1989 of 15 March 1989*

At the Court at Buckingham Palace, the 15th day of March 1989, Present,
The Queen's Most Excellent Majesty in Council,

Her Majesty, in exercise of the powers conferred upon Her by section 1(2) of The Territorial Sea Act 1987(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

1. This Order may be cited as The Territorial Sea (Limits) Order 1989 and shall come into force on 6 April 1989.
2. The seaward limit of the territorial sea adjacent to the United Kingdom between Point 1 and Point 6 indicated in the Schedule to this Order shall consist of a series of straight lines joining, in the sequence given, Points 1 to 6 indicated in the Schedule to this Order.
3. The seaward limit of the territorial sea adjacent to the United Kingdom shall be the median line where the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured are less than 24 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.
4. In this order:
 - (a) "straight line" means a loxodromic line;
 - (b) all positions given by means of coordinates are defined on European Datum (1st Adjustment 1950);
 - (c) "median line" is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea adjacent to the United Kingdom and the Isle of Man respectively is measured.
5. The Territorial Sea (Limits) Order 1987(b) is hereby revoked.

* Entered into force on 6 April 1989.

Schedule

List of points

<u>Point</u>	<u>Position of points</u>			
1	50° 49' 30" 95 N	01° 15' 53" 43 E		
2	50° 53' 47" 00 N	01° 16' 58" 00 E		
3	50° 57' 00" 00 N	01° 21' 25" 00 E		
4	51° 02' 19" 00 N	01° 32' 53" 00 E		
5	51° 05' 58" 00 N	01° 43' 31" 00 E		
6	51° 12' 00" 72 N	01° 53' 20" 07 E		

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the seaward limit of the territorial sea adjacent to the United Kingdom in the Straits of Dover and in the vicinity of the Isle of Man. The limit in the Straits of Dover is constituted by straight lines joining the points indicated in the Schedule and follows the line defined in the Agreement of 2nd November 1988 between the Government of the United Kingdom and the Government of the French Republic (Cm. 557) relating to the Delimitation of the Territorial Sea in the Straits of Dover. The limit in the vicinity of the Isle of Man is the median line.

15. YUGOSLAVIA

Act concerning the Coastal Sea and the Continental Shelf of 23 July 1987*

[Original: Croatian]**

Article 1

The sovereignty of the Socialist Federal Republic of Yugoslavia (hereinafter referred to as "the SFRY") shall extend to the coastal sea of the SFRY, to the airspace above it and to the seabed and subsoil of that sea.

The coastal sea of the SFRY consists of the internal waters and the territorial sea.

Article 2

The terms used in this Act have the following meanings:

(1) "Foreign merchant ship" means a ship which has the nationality of a foreign State and is used for commercial purposes, or any other foreign ship which is not referred to in items (2) to (5) of this article;

(2) "Foreign fishing vessel" means a vessel which has the nationality of a foreign State and is intended and equipped for catching fish or other living resources in the sea and on the seabed;

(3) "Foreign yacht" means a ship which has the nationality of a foreign State and is used for non-commercial purposes, for amusement, sport or recreation;

(4) "Foreign warship" means a ship, including submarines, belonging to the armed forces of a foreign State, bearing the external marks distinguishing such ships of its nationality, under the command of a military person and manned by a military crew;

(5) "Group of foreign warships" means a number of foreign warships which navigate together under the command of one officer;

(6) "Foreign government ship" means a ship which is owned or operated by a foreign State, is not a warship and is used exclusively for non-commercial purposes of the foreign State;

* Published in the Official Journal of the Socialist Federal Republic of Yugoslavia [Sluzbeni list SFRJ], No. 49, Saturday, 25 July 1990, pp. 1211-1216.

** Translation provided by the United Nations Secretariat.

(7) "Nuclear ship" means a ship driven by nuclear power or a ship which is equipped with a source of nuclear energy;

(8) "Scientific research vessel" means a vessel or other floating object equipped for the scientific or other exploration or exploitation of the sea, the seabed and its subsoil.

Article 3

The internal waters of the SFRY include:

- (1) Ports and bays on the coast of the mainland and of islands;
- (2) River mouths;

(3) Those parts of the sea which lie between the coast of the mainland and the baseline of the territorial sea referred to in article 16, second paragraph, items (2) and (3), of this Act.

The term "bay" in paragraph 1, item (1), of this article shall be deemed to include a well-marked indentation in the coast which has a surface area as large as, or larger than, that of a semicircle whose diameter is a line drawn across the mouth of that indentation.

The area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points.

Article 4

A foreign merchant ship may enter in internal waters in order to call at a port of the SFRY intended for international maritime traffic, and a foreign yacht may also do so in order to call at other ports, in accordance with the regulations which govern maritime and internal navigation.

A foreign merchant ship may navigate in internal waters in order to call at or leave a port or in order to navigate between ports open to international maritime traffic, by the shortest customary route.

The federal administrative authority responsible for transport and communications may, if the interests of national defence or the safety of navigation so require, prescribe a different method of navigation in internal waters for the ships referred to in the second paragraph of this article.

Article 5

The transport of goods and passengers in the coastal sea of the SFRY (cabotage) may be carried on solely by Yugoslav ships.

As an exception to the provisions of the first paragraph of this article, the competent federal authority may also permit a foreign ship to transport goods and passengers in the coastal sea of the SFRY under the conditions prescribed by the federal legislation which governs maritime and internal navigation.

Article 6

The passage of foreign warships, foreign government ships, foreign nuclear ships, foreign fishing vessels and foreign scientific research vessels through the internal waters of the SFRY is prohibited.

A foreign warship, a foreign government ship, a foreign fishing vessel or a foreign scientific research vessel may enter the internal waters of the SFRY for the purpose of a stay therein if it obtains prior approval therefor; such approval shall be given:

(1) For a foreign warship, by the Federal Secretariat of National Defence, by agreement with the federal administrative authority responsible for external affairs;

(2) For a foreign scientific research vessel, by the Federal Secretariat of National Defence, by agreement with the federal administrative authority responsible for external affairs and with the federal administrative authority responsible for internal affairs;

(3) For other foreign government ships, by the federal administrative authority responsible for transport and communications, by agreement with the federal administrative authority responsible for external affairs and with the federal administrative authority responsible for internal affairs;

(4) For a foreign fishing vessel, by the competent authority of the republic concerned.

Approval may not be given to foreign warships of a single nationality for more than four visits a year.

Approval for a visit to or a stay in the internal waters of the SFRY may not be given to foreign nuclear warships, to foreign warships which carry nuclear weapons or to special-purpose ships if their stay poses a danger to the security of the SFRY.

Approval for a visit to or a stay in the internal waters of the SFRY likewise may not be given to a foreign warship if the ship, a boat or aircraft thereof or the crew thereof participated immediately before entering the internal waters, or is to participate after the completion of the stay or the visit, in any military or other activities which may be harmful to the general interests or the prestige of the SFRY.

Article 7

The Federal Executive Council shall deny permission for a visit to or a stay in the internal waters of the SFRY to a foreign warship or a group of foreign warships if a ship, a boat or aircraft thereof or the crew thereof participated immediately before entering the internal waters of the SFRY, or is to participate after the completion of the stay or the visit, in any military or other activities which may be harmful to the general interests or the prestige of the SFRY or if it does not comply with the provisions of this Act and of other regulations.

Article 8

Not more than three combat warships and two auxiliary military ships of a single nationality may visit the internal waters of the SFRY at the same time, subject to the condition that such ships shall not include any surface ship whose total displacement is greater than 10,000 tons or any submarine whose surface displacement is greater than 4,000 tons.

A visit by a foreign warship to the internal waters of the SFRY may not last longer than 10 days.

As an exception to the provisions of the first and second paragraphs of this article, the Federal Executive Council may, in individual cases, where the special interests of the SFRY so require, approve the visit of foreign warships even if the conditions prescribed by the said provisions are not satisfied.

During a visit to the internal waters of the SFRY, only the crew of a foreign warship may be taken on board the ship.

Article 9

Repairs may be made in the coastal sea of the SFRY on foreign surface warships with a total displacement of up to 10,000 tons or submarines with a surface displacement of up to 4,000 tons, after the securing of prior approval, which shall be given by the Federal Secretariat of National Defence, by agreement with the federal administrative authority responsible for external affairs.

Repairs on foreign warships may be made at military repair shops and shipyards designated by the Federal Secretariat of National Defence.

Approval for repairs on foreign warships shall be given within the limits of the free capacity and technical capabilities of the military repair shops and shipyards referred to in the second paragraph of this article.

No more than three foreign warships of the same nationality may undergo repairs in the coastal sea of the SFRY at the same time.

Approval for repairs on a foreign warship shall be given for the period of time required for the repairs, but such period shall not exceed 16 months.

As an exception to the provisions of the first, fourth and fifth paragraphs of this article, the Federal Executive Council may, in individual cases, where the special interests of the SFRY so require, approve repairs on a foreign warship even if the conditions prescribed by the said provisions are not satisfied.

Repairs in the coastal sea of the SFRY may not be approved for foreign nuclear warships, foreign warships which carry nuclear weapons and special-purpose ships whose stay poses a danger to the security of the SFRY.

Repairs in the coastal sea of the SFRY likewise may not be approved for a foreign warship if the ship, a boat or aircraft thereof or the crew thereof participated immediately before entering the coastal sea of the SFRY, or is to participate after the completion of the repairs, in any military or other activities which may be harmful to the general interests or the prestige of the SFRY.

The Federal Executive Council shall deny permission for repairs on a foreign warship in the coastal sea of the SFRY if the ship, a boat or aircraft thereof or the crew thereof participated immediately before entering the coastal sea of the SFRY, or is to participate after the completion of the repairs, in any military or other activities which may be harmful to the general interests or the prestige of the SFRY or if it does not comply with the provisions of this Act and of other regulations.

Article 10

Repairs on a foreign warship shall be made on the basis of a contract concluded with the authorized representative of the foreign warship by the Federal Secretariat of National Defence or, in accordance with an authorization from the Federal Secretary of National Defence, by the federal organization responsible for sales and reserves of special-purpose products.

A foreign warship which is to be repaired may have on board only as many crew members as are necessary for the repair work, but the number of such crew members shall not exceed one third of the total number of crew members of the ship.

A foreign warship to which approval for repairs has been given shall be required, immediately after entering a Yugoslav port, to unload its fuel and lubricants, ammunition and other combat supplies to a place designated for that purpose by the military commander responsible for the port in which the repairs are to be made.

During the period of the repairs, the crew of the foreign warship may stay and circulate in the port in which the repairs on the ship are being made. At the request of the commander of the foreign warship, the military commander referred to in the third paragraph of this article may, by agreement with the internal-affairs authority responsible for the control of crossings of the State frontier, permit individual members of the ship's crew to travel outside the port as well.

During the period of the repairs on the foreign warship, workers participating in the repair work on the ship shall be subject to Yugoslav regulations.

Article 11

Repairs on foreign government ships, foreign fishing vessels and foreign scientific research vessels may be made in the coastal sea of the SFRY after prior approval has been obtained; such approval shall be given:

(1) For a foreign government ship, by the federal administrative authority responsible for transport and communications, by agreement with the federal administrative authority responsible for external affairs and with the federal administrative authority responsible for internal affairs;

(2) For a foreign fishing vessel, by the competent authority of the republic concerned;

(3) For a foreign scientific research vessel, by the Federal Secretariat of National Defence, by agreement with the federal administrative authority responsible for external affairs and with the federal administrative authority responsible for internal affairs.

Approval for the repairs on foreign ships referred to in the first paragraph of this article shall be given within the limitations of the free capacity and technical capabilities of the shipyard concerned.

Approval for repairs on a foreign government ship or a foreign scientific research vessel shall be given for the period of time required for the repairs, but such period shall not exceed 16 months.

Article 12

The repairs on foreign ships and vessels referred to in article 11 of this Act shall be made on the basis of a contract that the relevant organization of associated labour at whose establishment the repairs are to be made, will conclude with the authorized representative of the foreign ship or vessel.

A foreign government ship or a foreign scientific research vessel which is to be repaired may have on board only as many crew members as are necessary for the repair work, but the number of such crew members shall not exceed one third of the total number of crew members.

During the period of the repairs, the crew of the foreign ship or vessel referred to in article 11 of this Act may stay and circulate in the port in which the repairs on the ship or vessel are being made. At the request of the master of the ship or vessel, the internal-affairs authority responsible for the control of crossings of the State frontier may permit individual members of the crew of the ship or vessel to travel outside the port as well.

During the period of the repairs on the foreign ship or vessel referred to in article 11 of this Act, workers participating in the repair work on the ship or vessel shall be subject to Yugoslav regulations.

Article 13

Repairs on foreign merchant ships and foreign yachts in the coastal sea of the SFRY shall be made without special approval. The relevant organization of associated labour or other corporate entity which accepts the foreign merchant ship or foreign yacht for repairs shall report the fact to the competent authority of the republic concerned.

Article 14

The official in charge of the federal administrative authority responsible for internal affairs, by agreement with the official in charge of the federal administrative authority responsible for transport and communications, may designate prohibited zones in internal waters.

Foreign ships or vessels may not navigate through prohibited zones in internal waters.

As an exception to the provisions of the second paragraph of this article, the official in charge of the federal administrative authority responsible for internal affairs may, by agreement with the Federal Secretary of National Defence and with the official in charge of the federal administrative authority responsible for transport and communications, approve navigation by foreign ships or vessels in prohibited zones in internal waters.

The official in charge of the federal administrative authority responsible for internal affairs shall, by agreement with the official in charge of the federal administrative authority responsible for transport and communications, prescribe which national ships or vessels, and under which conditions, are allowed to navigate through prohibited zones in internal waters.

If prohibited zones in internal waters are situated on or in the immediate vicinity of navigation routes, the official document establishing the said zones shall be published in the Official Journal of the SFRY [Sluzbeni list SFRJ] and in the bulletin "Notice to Mariners" [Oglas za pomorce] published by the hydrographic research organization of the Federal Secretariat of National Defence.

Article 15

If, as a result of force majeure or distress, a foreign ship or vessel is forced to enter the internal waters of the SFRY, it shall report the fact immediately to the authority competent for matters relating to the safety of navigation in port.

Article 16

The territorial sea of the SFRY is a belt of the sea whose breadth is 12 nautical miles measured from the baseline towards the high seas.

The baseline is formed by:

- (1) The low-water line along the shore of the mainland and the coasts of islands;
- (2) The straight lines closing the mouths of bays;

(3) The straight lines connecting the following points on the shore of the mainland and on the shore of the islands:

(a) Cape Mendra - Cape Platamuni;

(b) Cape Zarubaca - the south-eastern cape of the island of Mrkan - the south cape of the island of Sv. Andrija - Cape Gruj (on the island of Mljet);

(c) Cape Korizmeni (on the island of Mljet) - the island of Glavat - Cape Struga (on the island of Lastovo) - Cape Veljeg Mora (on the island of Lastovo) - the south-western cape of the island of Kopiste - Cape Velo Dance (on the island of Korcula) - Cape Proizd - the south-western cape of the island of Vodnjak - Cape Rat (on the island of Drvenik Mali) - Mulo Rock - Blitvenica Rock - the island of Purara - the island of Balun - the island of Mrtovac - the island of Garmenjok Veli - the point on Dugi Otok which has the coordinates 43° 53' 12" N and 15° 10' 00" E;

(d) Cape Veli Rat (on Dugi Otok) - Masarine Rock - Cape Margarina (on the island of Susak) - the Albanez Shoals - the island of Grunj - Sv. Ivan Rock on the high seas - the Mramori Shoals - the island of Altiez - Cape Kastanjija.

The straight lines referred to in the second paragraph, item (3), of this article shall be drawn on the marine chart entitled "Adriatic Sea", S-101, on a scale of 1:750,000, published by the hydrographic research organization referred to in article 14, fifth paragraph, of this Act. A reproduction of that chart is an integral part of this Act.

In the determination of the baseline of the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as part of the coast.

The outer limit of the territorial sea is a line every point of which is 12 nautical miles distant from the nearest point of the baseline.

Article 17

In accordance with the conditions prescribed by this Act and by the regulations adopted on the basis of this Act, ships of all States shall enjoy the right of innocent passage through the territorial sea of the SFRY.

The term "innocent passage of a ship" shall be understood to mean navigation through the territorial sea of the SFRY without entering internal waters, or for the purpose of proceeding to internal waters, or for the purpose of reaching the high seas from the said waters, so long as it is not prejudicial to the peace, good order or security of the SFRY.

If a foreign warship intends to exercise the right of innocent passage through the territorial sea of the SFRY, the State of nationality of the said ship shall report the fact to the federal administrative authority responsible for external affairs not later than 24 hours before the entry of the ship into the territorial sea of the SFRY.

If a foreign ship exercises the right of innocent passage referred to in the second paragraph of this article, the passage shall be continuous and expeditious.

A foreign ship exercising the right of innocent passage shall be permitted to stop or anchor only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress, or for the purpose of rendering assistance to persons, ships or aircraft which are in danger or have suffered an accident.

Article 18

Innocent passage within the meaning of the provisions of article 17 of this Act shall not be deemed to include the passage of a foreign ship through the territorial sea of the SFRY if the said ship engages in any of the following activities:

- (1) Any threat or use of force against the sovereignty, territorial integrity of the SFRY or against any social structure established by the Constitution of the SFRY, or in any other manner in violation of the principles of international law;
- (2) Any exercise or practice with weapons of any kind;
- (3) Any act aimed at collecting information or data to the prejudice of the defence or security of the SFRY;
- (4) Any act of propaganda aimed at affecting the defence or security of the SFRY;
- (5) The launching, landing or taking on board of any aircraft;
- (6) The launching, landing or taking on board of any military device;
- (7) The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, sanitary laws and regulations of the SFRY or to the regulations concerning the entry of foreigners into and the stay of foreigners in the SFRY;
- (8) Any act of wilful and serious pollution of the sea or its vicinity;
- (9) Any fishing activities in the sea;
- (10) The carrying out of research or survey activities;
- (11) Any act aimed at interfering with any systems of communication or any other facilities or installations of the SFRY;
- (12) Any other activity not having a direct bearing on passage.

Article 19

During the passage through the territorial sea of the SFRY, a foreign fishing vessel is obliged to keep its fishing gear and equipment used for fishing or for catching other living resources in the sea and on the seabed in the ship's hold or sealed up.

The foreign fishing vessel referred to in the first paragraph of this article shall traverse the territorial sea of the SFRY by the shortest way with a speed which is not higher than the economic one, without stopping or anchoring, except when indispensable because of force majeure or distress, and shall be clearly marked and identifiable as being a fishing vessel.

The provisions of the first and second paragraphs of this article do not apply to a fishing vessel which has permission to fish in the territorial sea of the SFRY so long as it stays in the zone where it is permitted to fish.

Article 20

Not more than three foreign warships of the same nationality may traverse the territorial sea of the SFRY at the same time.

Foreign warships, foreign tankers, foreign nuclear ships and other foreign ships carrying nuclear or other dangerous or noxious substances when exercising the right of innocent passage through the territorial sea of the SFRY shall use the routing systems designated by a special regulation issued by the federal administrative authority responsible for transport and communications, by agreement with the Federal Secretariat of National Defence.

The routing systems referred to in the second paragraph of this article shall be drawn on the marine chart entitled "Adriatic Sea", S-101, on a scale of 1:750,000, which is issued by the hydrographic research organization referred to in article 14, fifth paragraph, of this Act.

Article 21

During its passage through the territorial sea of the SFRY, a foreign submarine shall navigate on the surface and show the flag of its State.

Article 22

The Federal Secretary of National Defence, in agreement with the official in charge of the federal administrative authority responsible for internal affairs and the official in charge of the federal administrative authority responsible for transport and communications, may suspend temporarily in specified areas of the territorial sea of the SFRY the innocent passage of foreign ships if such suspension is essential for the protection of its security.

The Federal Secretary of National Defence, by agreement with the official in charge of the federal administrative authority responsible for internal affairs and the official in charge of the federal administrative authority responsible for transport and communications, shall prescribe which national ships, and under which conditions, are allowed to navigate through the areas referred to in the first paragraph of this article.

The official document concerning the limits of a zone referred to in the first paragraph of this article, with any necessary additions, shall be published in good time in the bulletin "Notice to Mariners".

Article 23

The continental shelf of the SFRY shall include the seabed and subsoil of the submarine areas beyond the outer limit of the territorial sea to the lines established by international treaties.

Article 24

The SFRY shall exercise sovereign rights over the continental shelf relating to the exploration and exploitation of the natural resources and other resources of the shelf.

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

The term "other resources" used in the first paragraph of this article means archaeological and other buried articles.

Article 25

The rights referred to in article 24, first paragraph, of this Act do not affect the legal status of the waters above the continental shelf of the SFRY or of the airspace above them.

The exercise of the rights referred to in the first paragraph of this article shall not infringe or result in any unjustifiable interference with navigation, fishing, the protection of the living resources of the sea or with fundamental oceanographic or other scientific research of a public nature.

Article 26

The exploration and exploitation of the natural resources and other resources of the continental shelf of the SFRY and the construction, operation and use of the necessary installations and structures for such exploration and exploitation may be carried on in accordance with the conditions prescribed by the Act and by the regulations which are adopted on the basis of the Act.

The installations and structures referred to in the first paragraph of this article shall be permanently marked by light signals, and other signals shall be removed when the exploitation for the purpose of which they were constructed is discontinued.

Article 27

A contractor engaged in the exploration and exploitation of natural resources in the continental shelf of the SFRY shall establish around the installations and structures referred to in article 26, first paragraph, of this Act safety zones which may not exceed a distance of 500 metres measured from each point of the outer edge of the installation or structure.

Navigation through the safety zones referred to in the first paragraph of this article shall be prohibited except when authorized by special regulations.

The contractor referred to in the first paragraph of this article shall take appropriate measures on the installations and structures, and in the safety zones, for the protection of the sea and the seabed and their vicinity from harmful wastes.

Article 28

The installations and structures referred to in article 26, first paragraph, and the safety zones referred to in article 27, first paragraph, of this Act may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

Article 29

The contractor shall report to the authority responsible for matters relating to the safety of navigation, the construction, the way of permanent marking by light signals and other signals, the removal of the installations and structures referred to in article 26 of this Act and the establishment of the safety zones referred to in article 27, first paragraph, of this Act.

The authority referred to in the first paragraph of this article shall publish the data referred to in good time in the bulletin "Notice to Mariners".

Article 30

The hot pursuit of a foreign ship may be undertaken if the competent authority has good reason to believe that the ship or one of its boats or other craft working as a team has violated this Act or any other regulations of the SFRY.

The hot pursuit of a foreign ship may commence only when that ship or one of its boats or other craft working as a team is within the limits of the coastal sea of the SFRY and if it does not stop after a visual or auditory signal to stop has been given at a distance which enables it to receive the signal.

The hot pursuit of a foreign ship may only be continued to the open sea, if it has not been interrupted, until such time as the foreign ship enters its own territorial sea or the territorial sea of a third State.

The hot pursuit may be exercised out only by warships or military aircraft of the SFRY or other ships or aircraft authorized to that effect. In order to begin the hot pursuit it is not necessary that the pursuing ship or aircraft be within the coastal sea of the SFRY.

Article 31

A fine of 500,000 to 10,000,000 dinars for an economic offence [privredni prijestup] shall be imposed on any organization of associated labour or other corporate entity:

(1) If it explores or exploits the natural resources and other resources of the continental shelf of the SFRY in a manner which unjustifiably interferes with navigation, fishing, the protection of the living resources of the sea or with fundamental oceanographic or other scientific research of a public nature (article 25);

(2) If, contrary to the conditions prescribed by this Act or by a regulation adopted on the basis of this Act, it explores or exploits natural resources and other resources in the continental shelf of the SFRY (article 26, first paragraph);

(3) If it does not permanently mark with light signals or other signals the installations and structures established in the continental shelf of the SFRY for the exploration or exploitation of the natural resources and other resources of that shelf or if it does not remove the said installations and structures when the exploitation for the purpose of which they were constructed is discontinued (article 26, second paragraph);

(4) If in the exploration or exploitation of natural resources and other resources in the continental shelf of the SFRY and in the safety zones established around the installations and structures for the exploration and exploitation of the natural resources and other resources of the shelf of the SFRY, it does not take appropriate measures for the protection of the sea or the seabed and their vicinity from harmful wastes (article 27, third paragraph);

(5) If the installations or structures for the exploration or exploitation of natural resources or other resources in the continental shelf of the SFRY are established at locations at which they may interfere with the use of recognized sea lanes essential to international navigation (article 28).

A responsible official of the relevant organization of associated labour or other corporate entity shall also be subject to a fine of 50,000 to 500,000 dinars for an economic offence for the actions referred to in the first paragraph of this article.

Article 32

A fine of 100,000 to 1,000,000 dinars for a maritime infraction [pomorski prekršaj] shall be imposed on a foreign corporate entity even if it has no business establishment in the SFRY:

(1) If a foreign merchant ship enters internal waters without intending to call at a port of the SFRY which is open to international maritime traffic or if a foreign yacht enters the internal waters of the SFRY without the intention of also calling at another port designated by the regulations which govern maritime and internal navigation (article 4, first paragraph);

(2) If a foreign merchant ship, during its navigation in internal waters in order to call at a port of the SFRY which is open to international maritime traffic or in leaving that port, or during navigation between ports of the SFRY open to international maritime traffic, does not navigate by the shortest customary route (article 4, second paragraph);

(3) If a ship carries goods or passengers in the coastal sea of the SFRY without permission from the competent authority (article 5, second paragraph);

(4) If a ship or a vessel navigates through the internal waters of the SFRY without approval from the competent authority of the SFRY, except in the event of force majeure or distress (article 6);

(5) If during the period of repairs there remain on board a ship more crew members than are necessary for the repair work or more than one third of the total number of crew members (article 12, second paragraph);

(6) If a ship enters a prohibited zone in the internal waters of the SFRY without approval from the competent authority (article 14, third paragraph);

(7) If a ship has been forced as a result of force majeure or distress to enter internal waters and does not report the fact to the authority competent for matters relating to the safety of navigation in port (article 15);

(8) If a foreign fishing vessel, during its passage through the territorial sea of the SFRY, does not keep its fishing gear and equipment used for fishing or for catching other living resources in the sea and on the seabed in the ship's hold or sealed up, or if it does not traverse the territorial sea of the SFRY by the shortest way with a speed not higher than the economic one, or if during its passage it stops and anchors in the territorial sea of the SFRY, where the stopping and anchoring are not due to force majeure or distress, or if during its passage through the territorial sea of the SFRY it does not carry clear marks indicating that it is a fishing vessel (article 19, first paragraph);

(9) If a foreign submarine, during its passage through the territorial sea of the SFRY, does not navigate on the surface and does not show the flag of its State (article 21);

(10) If a ship navigates through a safety zone established around installations and structures intended for the exploration and exploitation of the natural resources and other resources of the continental shelf of the SFRY, unless the zone is one through which navigation is authorized by special regulations (article 27, second paragraph).

A fine of 20,000 to 200,000 dinars for an infraction shall be imposed on a responsible official of a foreign corporate entity for the actions referred to in the first paragraph of this article.

A fine of 20,000 to 200,000 dinars or a penalty of imprisonment for up to 30 days for an infraction, as referred to in the first paragraph of this article, shall be imposed on the master of the foreign ship or on another person who replaces him on board that ship.

Article 33

A fine of 100,000 to 1,000,000 dinars for an infraction shall be imposed on any organization of associated labour or other corporate entity if a ship which it uses and which is not permitted by any regulation to navigate through a prohibited zone enters internal waters or navigates through a prohibited zone in internal waters contrary to the prescribed conditions (article 14, fourth paragraph).

A fine of 20,000 to 200,000 dinars for an infraction shall be imposed for the actions referred to in the first paragraph of this article on a responsible official of any organization of associated labour or other corporate entity.

A fine of 20,000 to 200,000 dinars or a penalty of imprisonment for up to 30 days for an infraction shall be imposed for the actions referred to in the first paragraph of this article on the master of the ship or on another person who replaces him on board that ship.

Article 34

A fine of 50,000 to 500,000 dinars for an infraction [prekršaj] shall be imposed on any organization of associated labour or other corporate entity:

(1) If it accepts a foreign merchant ship or a foreign yacht for repairs and does not report the fact to the competent authority of the republic concerned (article 13);

(2) If it does not report to the authority competent for matters relating to the safety of navigation in port the manner in which the installations and structures for the exploration and exploitation of natural resources and other resources in the continental shelf of the SFRY are permanently marked and their removal thereof or does not report the establishment of the safety zones around the said installations and structures (article 29).

A fine of 10,000 to 50,000 dinars for an infraction shall also be imposed for the actions referred to in the first paragraph of this article on a responsible official of any organization of associated labour or other corporate entity.

Article 35

A fine of 100,000 to 1,000,000 dinars for an infraction shall be imposed on an individual who independently engages in any personal labour activity using means owned by a citizen who commits the actions referred to in article 31, first paragraph, of this Act.

A fine of up to 200,000 dinars for an infraction shall be imposed on an individual who commits the actions referred to in article 31, first paragraph, of this Act.

A fine of up to 200,000 dinars for an infraction shall be imposed on a member of the crew of a foreign ship who, during the period of repairs, travels outside the port without approval from the internal-affairs authority responsible for the control of crossings of the State frontier (article 12, third paragraph).

Article 36

The Federal Executive Council shall prescribe the manner in which, in accordance with the provisions of this Act, foreign warships, foreign government ships, foreign yachts and foreign scientific research vessels may enter, traverse and stay, and undergo repairs in the coastal sea of the SFRY and the manner in which foreign fishing vessels may traverse the territorial sea of the SFRY, and it shall adopt regulations concerning the storage and locking up of fishing gear and equipment used for fishing or for the catching of other living resources in the sea and on the seabed and concerning the special markings and lights which foreign fishing vessels shall have.

Article 37

The official in charge of the federal administrative authority responsible for internal affairs, by agreement with the Federal Secretary of National Defence, shall adopt regulations concerning the conduct of underwater activities (underwater photography, surveys of the seabed and the like).

The regulations referred to in the first paragraph of this article may include provisions relating to infractions of the said regulations for economic reasons.

Article 38

The provisions of this Act which apply to foreign yachts shall also apply to foreign boats intended for amusement, sport or recreation.

Article 39

On the date of the entry into force of this Act, the Act concerning the Coastal Sea and the Continental Shelf of the Socialist Federal Republic of Yugoslavia (Official Journal of the SFRY, Nos. 22/65, 25/70, 21/74 and 13/79) shall cease to have effect.

Article 40

This Act shall enter into force on the eighth day after the date of its publication in the Official Journal of the SFRY.

III. PROTESTS FROM STATES

United States of America 1/

The United States refers to the army command announcement, of August 1, 1977, issued by the Democratic People's Republic of Korea, which purports to establish a 50-nautical-mile military maritime boundary, measured from a claimed straight baseline from which the territorial sea is drawn in the sea of Japan (East Sea), and a military maritime boundary coincident with the claimed exclusive economic zone limit in the Yellow sea (West Sea).

The Government of the United States wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the maximum breadth of the territorial sea is twelve nautical miles measured from properly drawn baselines.

The Government of the United States wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention of the Law of the Sea, unless exceptional circumstances exist, baselines are to conform to the low-water line along the coast as marked on a State's official large-scale charts. Straight baselines may only be employed in localities where the coastline is deeply indented and cut into, or where there is a fringe of islands along the immediate vicinity of the coast. However, the coastline of the Democratic People's Republic of Korea in the sea of Japan (East Sea) is neither deeply cut into, nor fringed with many islands.

The Government of the United States wishes further to recall that customary international law, as reflected in the 1982 United Nations Convention of the Law of the Sea, does not recognize the right of coastal States to assert powers or rights for security purposes in peacetime which would restrict the exercise of the high seas freedoms of navigation and overflight beyond the territorial sea. The Government of the United States acknowledges that, in 1953, the Supreme Commander of the Korean People's Army signed an armistice agreement which is still in effect. The military boundary, however, was not promulgated until 1977, twenty-three years following the armistice, and therefore the armistice agreement cannot be deemed to justify the security zones. In that connection, the United States notes that the United Nations command has told the Korean People's Army that the armistice agreement has no provision for either side to unilaterally extend its rights or privileges into international waters.

1/ Communicated by the United States Mission to the United Nations in a note dated 4 January 1990.

The Government of the United States therefore objects to the claims made by the Government of the Democratic People's Republic of Korea contained in the Army Command Announcement of August 1, 1977, which is inconsistent with international law, and reserves its rights and those of its nationals in this regard.

The objection in this note is made without prejudice to the legal position of the Government of the United States of America which has not recognized the Government of the Democratic People's Republic of Korea.

The Government of the United States wishes to assure the Government of the Democratic People's Republic of Korea that its objection to these claims should not be viewed as singling out the Democratic People's Republic of Korea for criticism, but is part of its worldwide effort to preserve the internationally recognized rights and freedoms of the international community in navigation and overflight and other related high seas uses, and is only one of a number of protests of those claims by coastal States which are not consistent with customary international law, as reflected in the 1982 United Nations Convention on the Law of the Sea.

IV. TREATIES AND OTHER FORMAL INSTRUMENTS

1. Global treaties and instruments

- (a) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 ^{1/}

Preamble

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of their disposal,

Noting that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

^{1/} Document UNEP/IG.80/L.12 of 22 March 1989. Entered into force on 5 May 1992.

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme by decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organizations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognizing that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good housekeeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of the United Nations Environment Programme on promotion of the transfer of environmental protection technology,

Recognizing also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:

(a) Wastes that belong to any category contained in annex I, unless they do not possess any of the characteristics contained in annex III; and

(b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

2. Wastes that belong to any category contained in annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.

3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

Article 2

Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;

2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;

3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;

4. "Disposal" means any operation specified in annex IV to this Convention;
5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;
6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in article 6;
7. "Focal point" means the entity of a Party referred to in article 5 responsible for receiving and submitting information as provided for in articles 13 and 16;
8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;
12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;
13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;
14. "Person" means any natural or legal person;
15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;
17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;
18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;
20. "Political and/or economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;
21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in article 9.

Article 3

National definitions of hazardous wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the secretariat of the Convention of the wastes, other than those listed in annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the secretariat of any significant changes to the information it has provided pursuant to paragraph 1.
3. The secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.
4. Parties shall be responsible for making the information transmitted to them by the secretariat under paragraph 3 available to their exporters.

Article 4

General obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to article 13;
- (b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above;
- (c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.
2. Each Party shall take the appropriate measures to:
 - (a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;

(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;

(d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;

(e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting;

(f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to annex V A, to state clearly the effects of the proposed movement on human health and the environment;

(g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;

(h) Cooperate in activities with other Parties and interested organizations, directly and through the secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.

3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.

5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.

6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.

7. Furthermore, each Party shall:

(a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes unless such persons are authorized or allowed to perform such types of operations;

(b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling and transport, and that due account is taken of relevant internationally recognized practices;

(c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.

9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

(a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or

(b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or

(c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

Article 5

Designation of competent authorities and focal point

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit;
2. Inform the secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities;
3. Inform the secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

Article 6

Transboundary movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.
2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.
3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:
 - (a) The notifier has received the written consent of the State of import; and
 - (b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.
4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary

movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

(a) By the State of export, the requirements of paragraph 9 of this article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;

(b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and State of import, respectively; or

(c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

Article 7

Transboundary movement from a Party through
States which are not Parties

Paragraph 2 of article 6 of the Convention shall apply mutatis mutandis to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

Article 8

Duty to re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

Article 9

Illegal traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

(a) without notification pursuant to the provisions of this Convention to all States concerned; or

(b) without the consent pursuant to the provisions of this Convention of a State concerned; or

(c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or

(d) that does not conform in a material way with the documents; or

(e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

(a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,

(b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as the States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall cooperate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through cooperation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall cooperate with a view to achieving the objects of this article.

Article 10

International cooperation

1. The Parties shall cooperate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

(a) Upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;

(b) Cooperate in monitoring the effects of the management of hazardous wastes on human health and the environment;

(c) Cooperate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;

(d) Cooperate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also cooperate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

(e) Cooperate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to cooperate in order to assist developing countries in the implementation of subparagraphs (a), (b), (c) and (d) of paragraph 2 of article 4.

4. Taking into account the needs of developing countries, cooperation between Parties and the competent international organizations is encouraged to promote, *inter alia*, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

Article 11

Bilateral, multilateral and regional agreements

1. Notwithstanding the provisions of article 4, paragraph 5, Parties may enter into bilateral, multilateral or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention, in particular taking into account the interests of developing countries.

2. Parties shall notify the secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

Article 12

Consultations on liability

The Parties shall cooperate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

Article 13

Transmission of information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those States are immediately informed.

2. The Parties shall inform each other, through the secretariat, of:

(a) Changes regarding the designation of competent authorities and/or focal points, pursuant to article 5;

(b) Changes in their national definition of hazardous wastes, pursuant to article 3;

and, as soon as possible,

(c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;

(d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;

(e) Any other information required pursuant to paragraph 4 of this article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the secretariat, to the Conference of the Parties established under article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

(a) Competent authorities and focal points that have been designated by them pursuant to article 5;

(b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:

(i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;

- (ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin and disposal methods;
 - (iii) Disposals which did not proceed as intended;
 - (iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement.
- (c) Information on the measures adopted by them in implementation of this Convention;
- (d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- (e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to article 11 of this Convention;
- (f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;
- (g) Information on disposal options operated within the area of their national jurisdiction;
- (h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and
- (i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the secretariat when a Party considers that its environment may be affected by that transboundary movement or has requested that this should be done.

Article 14

Financial aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or subregional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

Article 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.
3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.
4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.
5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:
 - (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;
 - (b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, inter alia, available scientific, technical, economic and environmental information;
 - (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in article 11;
 - (d) Consider and adopt protocols as required; and
 - (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.
6. The United Nations, its specialized agencies, as well as any State not party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the secretariat of its wish to be represented as an observer at a meeting of the Conference of the

Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in the light of the latest scientific, environmental, technical and economic information.

Article 16

Secretariat

1. The functions of the secretariat shall be:

(a) To arrange for and service meetings provided for in articles 15 and 17;

(b) To prepare and transmit reports based upon information received in accordance with articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;

(c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(e) To communicate with focal points and competent authorities established by the Parties in accordance with article 5 of this Convention;

(f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;

(g) To receive and convey information from and to Parties on:

- sources of technical assistance and training;
- available technical and scientific know-how;
- sources of advice and expertise; and
- availability of resources

with a view to assisting them, upon request, in such areas as:

- the handling of the notification system of this Convention;
- the management of hazardous wastes and other wastes;
- environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
- the assessment of disposal capabilities and sites;
- the monitoring of hazardous wastes and other wastes; and
- emergency responses.

(h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the secretariat;

(i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To cooperate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first meeting of the Conference of the Parties held pursuant to article 15.

3. At its first meeting, the Conference of the Parties shall designate the secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

Article 17

Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three fourths of the Parties who accepted the amendments to the protocol concerned, except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 18

Adoption and amendment of annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in article 17, paragraphs 2, 3 and 4;

(b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol enters into force.

Article 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the secretariat to the Parties.

Article 20

Settlement of disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.
2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in annex VI on arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.
3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) submission of the dispute to the International Court of Justice;
and/or
- (b) arbitration in accordance with the procedures set out in annex VI.

Such declaration shall be notified in writing to the secretariat which shall communicate it to the Parties.

Article 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

Article 22

Ratification, acceptance, formal confirmation or approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation or approval shall be deposited with the Depositary.
2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.
3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

Article 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.
2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.
3. The provisions of article 22, paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

Article 24

Right to vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.
2. Political and/or economic integration organizations, in matters within their competence, in accordance with article 22, paragraph 3, and article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 25

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.
2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.
3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 26

Reservations and declarations

1. No reservation or exception may be made to this Convention.
2. Paragraph 1 of this article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

Article 28

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocol thereto.

Article 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Annex I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste streams:

- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics
- Y2 Wastes from the production and preparation of pharmaceutical products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated triphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride

Y33	Inorganic cyanides
Y34	Acidic solutions or acids in solid form
Y35	Basic solutions or bases in solid form
Y36	Asbestos (dust and fibres)
Y37	Organic phosphorous compounds
Y38	Organic cyanides
Y39	Phenols; phenol compounds including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan
Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this annex (e.g., Y39, Y41, Y42, Y43, Y44).

Annex II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46	Wastes collected from households
Y47	Residues arising from the incineration of household wastes.

Annex III

LIST OF HAZARDOUS CHARACTERISTICS

<u>UN Class*</u>	<u>Code</u>	<u>Characteristics</u>
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

* Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/Rev.5, United Nations, New York, 1988).

- 3 H3 Flammable liquids
The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
- 4.1 H4.1 Flammable solids
Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
- 4.2 H4.2 Substances or wastes liable to spontaneous combustion
Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
- 4.3 H4.3 Substances or wastes which, in contact with water, emit flammable gases
Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
- 5.1 H5.1 Oxidizing
Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause, or contribute to, the combustion of other materials.
- 5.2 H5.2 Organic peroxides
Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
- 6.1 H6.1 Poisonous (acute)
Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
- 6.2 H6.2 Infectious substances
Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

- 8 H8 Corrosives
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
- 9 H10 Liberation of toxic gases in contact with air or water
Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
- 9 H11 Toxic (delayed or chronic)
Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
- 9 H12 Ecotoxic
Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bio-accumulation and/or toxic effects upon biotic systems.
- 9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterize potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in annex I, in order to decide if these materials exhibit any of the characteristics listed in this annex.

Annex IV

DISPOSAL OPERATIONS

A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY,
RECYCLING, RECLAMATION, DIRECT REUSE OR ALTERNATIVE USES

Section A encompasses all such disposal operations which occur in practice.

- D1 Deposit into or onto land, (e.g., landfill, etc.)
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including seabed insertion
- D8 Biological treatment not specified elsewhere in this annex which results in final compounds or mixtures which are discarded by means of any of the operations in section A
- D9 Physico-chemical treatment not specified elsewhere in this annex which results in final compounds or mixtures which are discarded by means of any of the operations in section A (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in section A
- D14 Repackaging prior to submission to any of the operations in section A
- D15 Storage pending any of the operations in section A

B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING,
RECLAMATION, DIRECT REUSE OR ALTERNATIVE USES

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in section A

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11
- R13 Accumulation of material intended for any operation in section B

Annex V A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
6. Country of export of the waste
Competent authority 2/
7. Expected countries of transit
Competent authority 2/
8. Country of import of the waste
Competent authority 2/
9. General or single notification
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) 3/

11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance 4/
13. Designation and physical description of the waste including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents
14. Type of packaging envisaged (e.g., bulk, drummed, tanker)
15. Estimated quantity in weight/volume 6/
16. Process by which the waste is generated 7/
17. For wastes listed in annex I, classifications from annex II: hazardous characteristic, H number and UN class
18. Method of disposal as per annex IV
19. Declaration by the generator and exporter that the information is correct
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.

Notes

1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.

2/ Full name and address, telephone, telex or telefax number.

3/ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.

4/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.

5/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.

6/ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.

7/ In so far as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

Annex V B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s)
5. Subject of general or single notification
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)
9. Information on special handling requirements including emergency provision in case of accidents
10. Type and number of packages
11. Quantity in weight/volume
12. Declaration by the generator or exporter that the information is correct
13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill out any form.

1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

Annex VI

ARBITRATION

Article 1

Unless the agreement referred to in article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with articles 2 to 10 below.

Article 2

The claimant party shall notify the secretariat that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of article 20 and include, in particular, the articles of the Convention the interpretation or application of which are at issue. The secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months' period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Secretary-General of the United Nations, who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.
2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a party in the dispute shall not constitute an impediment to the proceedings.

Article 7

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

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

(b) Final Act of the Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes of 22 March 1989

1. The Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes was convened by the Executive Director of the United Nations Environment Programme pursuant to decision 14/30, adopted by the Governing Council of the United Nations Environment Programme on 17 June 1987.

...

17. On the basis of the deliberations of the Committee of the Whole, the Conference, on 22 March 1989, adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The Convention will be open for signature in Basel on 22 March 1989, at the Federal Ministry of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at the United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

18. The Conference also adopted resolutions, the text of which shall be attached to this Final Act.

...

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Basel this twenty-second day of March one thousand nine hundred and eighty-nine in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, each language version being equally authentic. The original text will be deposited with the Secretary-General of the United Nations.

Resolution 1

ESTABLISHMENT OF AN AD HOC WORKING GROUP TO CONSIDER THE
NECESSITY OF MECHANISMS FOR THE IMPLEMENTATION OF THE
BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS
OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference

Invites the Executive Director of the United Nations Environment Programme to set up an ad hoc working group of legal and technical experts to consider the necessity of establishing mechanisms for the implementation of this Convention as provided for in article 15, paragraph 5 (e), of this Convention.

Adopted on 21 March 1989

Resolution 2

RELATIONSHIP OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL
AND THE LONDON DUMPING CONVENTION

The Conference,

Noting that the disposal of wastes at sea is subject to provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention, 1972),

Noting also that that Convention, inter alia, prohibits the dumping of certain wastes and further requires Parties to report information relating to the nature and quantities of all matter to be permitted to be dumped and the location, time and method of dumping,

Noting further that this requires, in the light of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the re-examination of that Convention with a view to considering its possible amendment,

1. Invites the Executive Director of the United Nations Environment Programme to bring to the attention of the Parties to the London Dumping Convention through the Secretary-General of the International Maritime Organization the need for a review of the existing rules, regulations and practices with respect to dumping of hazardous and other wastes at sea in the light of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with a view to recommending any additional measures needed within the London Dumping Convention, including its annexes, in order to control and prevent dumping of hazardous and other wastes at sea;

2. Invites the Executive Director of the United Nations Environment Programme to report on the results of the review and recommendations referred to in paragraph 1 above to the Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their first meeting.

Adopted on 21 March 1989

Resolution 3

LIABILITY

The Conference,

Recognizing the necessity of developing rules, as early as practicable, on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes,

Requests the Executive Director of the United Nations Environment Programme to:

(a) Establish, pending a decision by the Parties at their first meeting on how to implement article 12 of the Convention, an ad hoc working group of legal and technical experts to develop elements which might be included in a protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes;

(b) Report on the results of this group's work to the first meeting of the Parties.

Adopted on 22 March 1989

Resolution 4

RESPONSIBILITY OF STATES FOR THE IMPLEMENTATION OF THE
BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS
OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference,

Recalling General Assembly resolution 43/212 of 20 December 1988 on the responsibility of States for the protection of the environment: prevention of the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes affecting the developing countries in particular,

Recalling also General Assembly resolution 42/183 of 11 December 1987 on traffic in toxic and dangerous products and wastes, as well as Economic and Social Council resolutions 1988/70 of 28 July 1988 on traffic in toxic and dangerous products and wastes and 1988/71 of 28 July 1988 on the global convention on the control of transboundary movements of hazardous wastes,

Recalling further the resolution on dumping and incineration of toxic and hazardous wastes in the Wider Caribbean Region, adopted in October 1987 by the Fourth Intergovernmental Meeting on the Caribbean Action Plan in April; resolution CM/Res. 1153 (XLVIII) of May 1988 of the Council of Ministers of the Organization of African Unity on dumping of nuclear and industrial wastes in Africa; and the Final Document of the First Meeting of States of the Zone of Peace and Cooperation of the South Atlantic, which strongly condemned the transfer of hazardous wastes from other parts of the world into the region,

Recalling also the resolution of the Council of the European Communities of 21 December 1988 (OJ/C9/12 January 1989) concerning transfrontier movements of hazardous waste to third countries; resolution C(89)1(Final) adopted by the Council of the Organization for Economic Cooperation and Development in January 1989, on control of transfrontier movements of hazardous wastes and the Declaration of the Committee of Ministers of the Council of Europe of March 1989 on control and regulation of transfrontier movements of toxic waste,

Bearing in mind decision 14/30 of 17 June 1987 of the Governing Council of the United Nations Environment Programme, by which the Council approved the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes, and authorized the Executive Director of UNEP to convene a working group of legal and technical experts with a mandate to prepare a global convention on the control of transboundary movements of hazardous wastes, with a view to the adoption of the convention by Governments by early 1989,

Deeply concerned that part of the transboundary movement of hazardous wastes and other wastes is being carried out in contravention of existing national legislation and relevant international legal instruments, as well as internationally accepted guidelines and principles, to the detriment of the environment and public health of all countries, particularly of developing countries,

Convinced that these problems cannot be resolved without adequate cooperation among members of the international community,

Recognizing the immediate need for the control of the transboundary movement and disposal of hazardous wastes,

Desiring that the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal become effective as soon as possible,

Having adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Noting with appreciation that the Convention was opened for signature in Basel on 22 March 1989,

Considering that in the meantime the movement of hazardous wastes may cause serious harm to human health and the environment,

1. Calls upon all States, including those that have not participated in this Conference, to sign and become Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and to apply its provisions as soon as possible;
2. Urges all States to develop without delay further cooperation in problem areas within the scope of the Convention;
3. Urges all States to cooperate in developing technologies which will lead to the elimination of the generation of hazardous wastes;
4. Resolves that until such time as the Convention comes into force and appropriate criteria are determined, all States refrain from activities which are inconsistent with the objectives and purposes of the Convention;
5. Requests the Executive Director of the United Nations Environment Programme to forward this resolution to the Secretary-General of the United Nations and to circulate it to all States and economic integration organizations.

Adopted on 22 March 1989

Resolution 5

HARMONIZATION OF PROCEDURES OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL AND THE CODE OF PRACTICE FOR INTERNATIONAL TRANSACTIONS INVOLVING NUCLEAR WASTES

The Conference,

Bearing in mind resolution CM/Res./1153 (XLVIII) on the Dumping of Nuclear and Industrial Wastes in Africa adopted by the Organization of African Unity in May 1988,

Recognizing the need to harmonize procedures of this Convention and the internationally agreed code of practice for international transactions involving nuclear wastes, which is under preparation in pursuance of resolution GC(XXXII)/Res./490 of September 1988 of the International Atomic Energy Agency,

Requests the Executive Director of the United Nations Environment Programme to bring this to the attention of the Governing Council and the Director-General of the International Atomic Energy Agency with a view to ensuring that the provisions of this Convention are taken into full account during the elaboration by the International Atomic Energy Agency of procedures for international transactions involving nuclear wastes.

Adopted on 22 March 1989

Resolution 6

INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

The Conference,

Having adopted at Basel on 22 March 1989 the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Aware of the danger to human health and the environment of irregular and illegal exports and disposal of hazardous wastes,

Convinced of the need to intensify international cooperation in order to apply immediately the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted at Basel on the twenty-second of March 1989,

Recalling that the secretariat of the Convention constitutes one of the instruments of this international cooperation,

Recalling that under article 16 of the Convention the United Nations Environment Programme is responsible for carrying out the interim secretariat functions until the completion of the first ordinary meeting of the Conference of the Contracting Parties held pursuant to article 15 of the Convention,

Recalling further that the arrangements for the secretariat of the Convention and for its funding are to be decided by the Conference of Contracting Parties at its first meeting,

1. Notes the preliminary budget estimates for the interim secretariat as presented by the United Nations Environment Programme;

2. Also notes the willingness of the Executive Director of the United Nations Environment Programme to contribute towards the costs of the interim secretariat during its initial two years of operation, subject to the availability of resources in the Environment Fund;

3. Invites all signatories to the Convention and all Parties to provide the Executive Director on a voluntary basis with such additional funds as are required for the operation of the interim secretariat provided for in article 16 of the Convention; and

4. Requests the Executive Director of the United Nations Environment Programme to take the steps necessary for the interim secretariat of the Convention to commence its activities as soon as feasible after the adoption of the Convention.

Adopted on 22 March 1989

Resolution 7

COOPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION AND THE
UNITED NATIONS ENVIRONMENT PROGRAMME IN THE REVIEW OF EXISTING
RULES, REGULATIONS AND PRACTICES WITH RESPECT TO TRANSPORT OF
HAZARDOUS WASTES BY SEA

The Conference,

Recognizing the coastal States' responsibilities in respect of the protection and preservation of the environment,

Taking into account the existing international conventions and agreements for the protection of the marine environment,

Noting further that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transport of hazardous wastes,

In accordance with the relevant provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

1. Invites the Executive Director of the United Nations Environment Programme and the Secretary-General of the International Maritime Organization in consultation, as appropriate, with other relevant international organizations, to review the existing rules, regulations and practices with respect to the transport of hazardous wastes by sea in the light of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with a view to recommending any additional measures needed, including information, documentation and other precautionary measures, in order to assist coastal States, flag States and port States in fulfilling their responsibilities with respect to the protection and preservation of the marine environment;

2. Invites the Executive Director of the United Nations Environment Programme to report on the results of the review and recommendations referred to in paragraph 1 above to the Contracting Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their first meeting.

Adopted on 22 March 1989

Resolution 8

ESTABLISHMENT OF A TECHNICAL WORKING GROUP TO ELABORATE TECHNICAL
GUIDELINES FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES
SUBJECT TO THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference,

Having adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Conscious of the need to minimize the risk of damage to human health and the environment which can result from transboundary movements of hazardous wastes and their disposal,

Convinced of the need to elaborate technical guidelines to assist in the implementation of the Convention, taking into account the work of the relevant international organizations,

Taking into account the importance of examining scientific, technical and financial implications in respect of the implementation of the guidelines, especially in developing countries,

Calls upon the Executive Director of the United Nations Environment Programme to establish a technical working group to prepare draft technical guidelines (including costs of the various disposal operations) for the environmentally sound management of wastes subject to this Convention for consideration by the Parties at their first meeting, and eventual adoption.

Adopted on 22 March 1989

...

(c) International Convention on Salvage of 28 April 1989 1/

THE STATES PARTIES TO THE PRESENT CONVENTION,

RECOGNIZING the desirability of determining by agreement uniform international rules regarding salvage operations,

NOTING that substantial developments, in particular the increased concern for the protection of the environment, have demonstrated the need to review the international rules presently contained in the Convention for the Unification of Certain Rules of Law relating to Assistance and Salvage at Sea, done at Brussels, 23 September 1910,

CONSCIOUS of the major contribution which efficient and timely salvage operations can make to the safety of vessels and other property in danger and to the protection of the environment,

CONVINCED of the need to ensure that adequate incentives are available to persons who undertake salvage operations in respect of vessels and other property in danger,

HAVE AGREED as follows:

Chapter I - General provisions

Article 1

Definitions

For the purpose of this Convention:

(a) "Salvage operation" means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever;

(b) "Vessel" means any ship or craft, or any structure capable of navigation;

(c) "Property" means any property not permanently and intentionally attached to the shoreline and includes freight at risk;

(d) "Damage to the environment" means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents;

1/ IMO document LEG/CONF.7/27 of 2 May 1989.

(e) "Payment" means any reward, remuneration or compensation due under this Convention;

(f) "Organization" means the International Maritime Organization;

(g) "Secretary-General" means the Secretary-General of the Organization.

Article 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

Article 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of seabed mineral resources.

Article 4

State-owned vessels

1. Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State decides otherwise.

2. Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

Article 5

Salvage operations controlled by public authorities

1. This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.

2. Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.

3. The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

Article 6

Salvage contracts

1. This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
2. The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.
3. Nothing in this article shall affect the application of article 7 or duties to prevent or minimize damage to the environment.

Article 7

Annulment and modification of contracts

A contract or any terms thereof may be annulled or modified if:

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

Chapter II - Performance of salvage operations

Article 8

Duties of the salvor and of the owner and master

1. The salvor shall owe a duty to the owner of the vessel or other property in danger:
 - (a) to carry out the salvage operations with due care;
 - (b) in performing the duty specified in subparagraph (a), to exercise due care to prevent or minimize damage to the environment;
 - (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
 - (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.
2. The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor:
 - (a) to cooperate fully with him during the course of the salvage operations;

(b) in so doing, to exercise due care to prevent or minimize damage to the environment; and

(c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.

Article 9

Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognized principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

Article 10

Duty to render assistance

1. Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
2. The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
3. The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

Article 11

Cooperation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for cooperation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

Chapter III - Rights of salvors

Article 12

Conditions for reward

1. Salvage operations which have had a useful result give right to a reward.
2. Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.
3. This chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

Article 13

Criteria for fixing the reward

1. The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below:

- (a) the salvaged value of the vessel and other property;
- (b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;
- (c) the measure of success obtained by the salvor;
- (d) the nature and degree of the danger;
- (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
- (f) the time used and expenses and losses incurred by the salvors;
- (g) the risk of liability and other risks run by the salvors or their equipment;
- (h) the promptness of the services rendered;
- (i) the availability and use of vessels or other equipment intended for salvage operations;
- (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

2. Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salvaged values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.

3. The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property.

Article 14

Special compensation

1. If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.

2. If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30 per cent of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100 per cent of the expenses incurred by the salvor.

3. Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1 (h), (i) and (j).

4. The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.

5. If the salvor has been negligent and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.

6. Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

Article 15

Apportionment between salvors

1. The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.

2. The apportionment between the owner, master and other persons in the service of each salving vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

Article 16

Salvage of persons

1. No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.

2. A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimizing damage to the environment.

Article 17

Services rendered under existing contracts

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

Article 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

Article 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

Chapter IV - Claims and actions

Article 20

Maritime lien

1. Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.
2. The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

Article 21

Duty to provide security

1. Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.
2. Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.
3. The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

Article 22

Interim payment

1. The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.
2. In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly.

Article 23

Limitation of actions

1. Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.
2. The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.
3. An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

Article 24

Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

Article 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognized principles of international law.

Article 26

Humanitarian cargoes

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

Article 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

Chapter V - Final clauses

Article 28

Signature, ratification, acceptance,
approval and accession

1. This Convention shall be open for signature at the headquarters of the Organization from 1 July 1989 to 30 June 1990 and shall thereafter remain open for accession.

2. States may express their consent to be bound by this Convention by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 29

Entry into force

1. This Convention shall enter into force one year after the date on which fifteen States have expressed their consent to be bound by it.

2. For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect one year after the date of expression of such consent.

Article 30

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, reserve the right not to apply the provisions of this Convention:

(a) when the salvage operation takes place in inland waters and all vessels involved are of inland navigation;

(b) when the salvage operations take place in inland waters and no vessel is involved;

(c) when all interested parties are nationals of that State;

(d) when the property involved is maritime cultural property of prehistoric, archaeological or historical interest and is situated on the seabed.

2. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

3. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect on the date the notification is received. If the notification states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

Article 31

Denunciation

1. This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

Article 32

Revision and amendment

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of eight States Parties, or one fourth of the States Parties, whichever is the higher figure.

3. Any consent to be bound by this Convention expressed after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

Article 33

Depositary

1. This Convention shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:
 - (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;
 - (ii) the date of the entry into force of this Convention;
 - (iii) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect;
 - (iv) any amendment adopted in conformity with article 32;
 - (v) the receipt of any reservation, declaration or notification made under this Convention.
 - (b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.
3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 34

Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

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

DONE AT LONDON this twenty-eighth day of April one thousand nine hundred and eighty-nine.

(2) "Oil pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response.

(3) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles and floating craft of any type.

(4) "Offshore unit" means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil.

(5) "Sea ports and oil handling facilities" means those facilities which present a risk of an oil pollution incident and includes, inter alia, sea ports, oil terminals, pipelines and other oil handling facilities.

(6) "Organization" means the International Maritime Organization.

(7) "Secretary-General" means the Secretary-General of the Organization.

Article 3

Oil pollution emergency plans

(1) (a) Each Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions adopted by the Organization for this purpose.

(b) A ship required to have on board an oil pollution emergency plan in accordance with subparagraph (a) is subject, while in a port or at an offshore terminal under the jurisdiction of a Party, to inspection by officers duly authorized by that Party, in accordance with the practices provided for in existing international agreements or its national legislation.

(2) Each Party shall require that operators of offshore units under its jurisdiction have oil pollution emergency plans, which are coordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.

(3) Each Party shall require that authorities or operators in charge of such sea ports and oil handling facilities under its jurisdiction as it deems appropriate have oil pollution emergency plans or similar arrangements which are coordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.

Article 4
Oil pollution reporting procedures

(1) Each Party shall:

- (a) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any event on their ship or offshore unit involving a discharge or probable discharge of oil:
 - (i) in the case of a ship, to the nearest coastal State;
 - (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
- (b) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any observed event at sea involving a discharge of oil or the presence of oil:
 - (i) in the case of a ship, to the nearest coastal State;
 - (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
- (c) require persons having charge of sea ports and oil handling facilities under its jurisdiction to report without delay any event involving a discharge or probable discharge of oil or the presence of oil to the competent national authority;
- (d) instruct its maritime inspection vessels or aircraft and other appropriate services or officials to report without delay any observed event at sea or at a sea port or oil handling facility involving a discharge of oil or the presence of oil to the competent national authority or, as the case may be, to the nearest coastal State;
- (e) request the pilots of civil aircraft to report without delay any observed event at sea involving a discharge of oil or the presence of oil to the nearest coastal State.

(2) Reports under paragraph (1)(a)(i) shall be made in accordance with the requirements developed by the Organization and based on the guidelines and general principles adopted by the Organization. Reports under paragraph (1)(a)(ii), (b), (c) and (d) shall be made in accordance with the guidelines and general principles adopted by the Organization to the extent applicable.

Article 5
Action on receiving an oil pollution report

(1) Whenever a Party receives a report referred to in article 4 or pollution information provided by other sources, it shall:

- (a) assess the event to determine whether it is an oil pollution incident;
- (b) assess the nature, extent and possible consequences of the oil pollution incident; and

(c) then, without delay, inform all States whose interests are affected or likely to be affected by such oil pollution incident, together with

(i) details of its assessments and any action it has taken, or intends to take, to deal with the incident, and

(ii) further information as appropriate,

until the action taken to respond to the incident has been concluded or until joint action has been decided by such States.

(2) When the severity of such oil pollution incident so justifies, the Party should provide the Organization directly or, as appropriate, through the relevant regional organization or arrangements with the information referred to in paragraph (1)(b) and (c).

(3) When the severity of such oil pollution incident so justifies, other States affected by it are urged to inform the Organization directly or, as appropriate, through the relevant regional organizations or arrangements of their assessment of the extent of the threat to their interests and any action taken or intended.

(4) Parties should use, in so far as practicable, the oil pollution reporting system developed by the Organization when exchanging information and communicating with other States and with the Organization.

Article 6

National and regional systems for preparedness and response

(1) Each Party shall establish a national system for responding promptly and effectively to oil pollution incidents. This system shall include as a minimum:

(a) the designation of:

(i) the competent national authority or authorities with responsibility for oil pollution preparedness and response;

(ii) the national operational contact point or points, which shall be responsible for the receipt and transmission of oil pollution reports as referred to in article 4; and

(iii) an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested;

(b) a national contingency plan for preparedness and response which includes the organizational relationship of the various bodies involved, whether public or private, taking into account guidelines developed by the Organization.

(2) In addition, each Party, within its capabilities either individually or through bilateral or multilateral cooperation and, as appropriate, in cooperation with the oil and shipping industries, port authorities and other relevant entities, shall establish:

- (a) a minimum level of pre-positioned oil spill combating equipment, commensurate with the risk involved, and programmes for its use;
- (b) a programme of exercises for oil pollution response organizations and training of relevant personnel;
- (c) detailed plans and communication capabilities for responding to an oil pollution incident. Such capabilities should be continuously available; and
- (d) a mechanism or arrangement to coordinate the response to an oil pollution incident with, if appropriate, the capabilities to mobilize the necessary resources.

(3) Each Party shall ensure that current information is provided to the Organization, directly or through the relevant regional organization or arrangements, concerning:

- (a) the location, telecommunication data and, if applicable, areas of responsibility of authorities and entities referred to in paragraph (1)(a);
- (b) information concerning pollution response equipment and expertise in disciplines related to oil pollution response and marine salvage which may be made available to other States, upon request; and
- (c) its national contingency plan.

Article 7

International cooperation in pollution response

(1) Parties agree that, subject to their capabilities and the availability of relevant resources, they will cooperate and provide advisory services, technical support and equipment for the purpose of responding to an oil pollution incident, when the severity of such incident so justifies, upon the request of any Party affected or likely to be affected. The financing of the costs for such assistance shall be based on the provisions set out in the Annex to this Convention.

(2) A Party which has requested assistance may ask the Organization to assist in identifying sources of provisional financing of the costs referred to in paragraph (1).

(3) In accordance with applicable international agreements, each Party shall take necessary legal or administrative measures to facilitate:

- (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to an oil pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and

- (b) the expeditious movement into, through, and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).

Article 8
Research and development

- (1) Parties agree to cooperate directly or, as appropriate, through the Organization or relevant regional organizations or arrangements in the promotion and exchange of results of research and development programmes relating to the enhancement of the state-of-the-art of oil pollution preparedness and response, including technologies and techniques for surveillance, containment, recovery, dispersion, clean-up and otherwise minimizing or mitigating the effects of oil pollution, and for restoration.
- (2) To this end, Parties undertake to establish directly or, as appropriate, through the Organization or relevant regional organizations or arrangements, the necessary links between Parties' research institutions.
- (3) Parties agree to cooperate directly or through the Organization or relevant regional organizations or arrangements to promote, as appropriate, the holding on a regular basis of international symposia on relevant subjects, including technological advances in oil pollution combating techniques and equipment.
- (4) Parties agree to encourage, through the Organization or other competent international organizations, the development of standards for compatible oil pollution combating techniques and equipment.

Article 9
Technical cooperation

- (1) Parties undertake directly or through the Organization and other international bodies, as appropriate, in respect of oil pollution preparedness and response, to provide support for those Parties which request technical assistance:
- (a) to train personnel;
 - (b) to ensure the availability of relevant technology, equipment and facilities;
 - (c) to facilitate other measures and arrangements to prepare for and respond to oil pollution incidents; and
 - (d) to initiate joint research and development programmes.
- (2) Parties undertake to cooperate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of oil pollution preparedness and response.

Article 10
Promotion of bilateral and multilateral cooperation
in preparedness and response

Parties shall endeavour to conclude bilateral or multilateral agreements for oil pollution preparedness and response. Copies of such agreements shall be communicated to the Organization which should make them available on request to Parties.

Article 11
Relation to other conventions and international agreements

Nothing in this Convention shall be construed as altering the rights or obligations of any Party under any other convention or international agreement.

Article 12
Institutional arrangements

(1) Parties designate the Organization, subject to its agreement and the availability of adequate resources to sustain the activity, to perform the following functions and activities:

(a) information services:

- (i) to receive, collate and disseminate on request the information provided by Parties (see, for example, articles 5(2) and (3), 6(3) and (10) and relevant information provided by other sources); and
- (ii) to provide assistance in identifying sources of provisional financing of costs (see, for example, article 7(2));

(b) education and training:

- (i) to promote training in the field of oil pollution preparedness and response (see, for example, article 9); and
- (ii) to promote the holding of international symposia (see, for example, article 8(3));

(c) technical services:

- (i) to facilitate cooperation in research and development (see, for example, articles 8(1), (2) and (4) and 9(1)(d));
- (ii) to provide advice to States establishing national or regional response capabilities; and
- (iii) to analyse the information provided by Parties (see, for example, articles 5(2) and (3), 6(3) and 8(1)) and relevant information provided by other sources and provide advice or information to States;

(d) technical assistance:

- (i) to facilitate the provision of technical assistance to States establishing national or regional response capabilities; and
- (ii) to facilitate the provision of technical assistance and advice, upon the request of States faced with major oil pollution incidents.

(2) In carrying out the activities specified in this article, the Organization shall endeavour to strengthen the ability of States individually or through regional arrangements to prepare for and combat oil pollution incidents, drawing upon the experience of States, regional agreements and industry arrangements and paying particular attention to the needs of developing countries.

(3) The provisions of this article shall be implemented in accordance with a programme developed and kept under review by the Organization.

Article 13
Evaluation of the Convention

Parties shall evaluate within the Organization the effectiveness of the Convention in the light of its objectives, particularly with respect to the principles underlying cooperation and assistance.

Article 14
Amendments

(1) This Convention may be amended by one of the procedures specified in the following paragraphs.

(2) Amendment after consideration by the Organization:

- (a) Any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by the Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration.
- (b) Any amendment proposed and circulated as above shall be submitted to the Marine Environment Protection Committee of the Organization for consideration.
- (c) Parties to the Convention, whether or not members of the Organization, shall be entitled to participate in the proceedings of the Marine Environment Protection Committee.
- (d) Amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting.
- (e) If adopted in accordance with subparagraph (d), amendments shall be communicated by the Secretary-General to all Parties to the Convention for acceptance.

- (f) (i) An amendment to an article or the Annex of the Convention shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties.
- (ii) An amendment to an appendix shall be deemed to have been accepted at the end of a period to be determined by the Marine Environment Protection Committee at the time of its adoption, which period shall not be less than ten months, unless within that period an objection is communicated to the Secretary-General by not less than one third of the Parties.
- (g) (i) An amendment to an article or the Annex of the Convention accepted in conformity with subparagraph (f)(i) shall enter into force six months after the date on which it is deemed to have been accepted with respect to the Parties which have notified the Secretary-General that they have accepted it.
- (ii) An amendment to an appendix accepted in conformity with subparagraph (f)(ii) shall enter into force six months after the date on which it is deemed to have been accepted with respect to all Parties with the exception of those which, before that date, have objected to it. A Party may at any time withdraw a previously communicated objection by submitting a notification to that effect to the Secretary-General.

(3) Amendment by a Conference:

- (a) Upon the request of a Party, concurred with by at least one third of the Parties, the Secretary-General shall convene a Conference of Parties to the Convention to consider amendments to the Convention.
- (b) An amendment adopted by such a Conference by a two-thirds majority of those Parties present and voting shall be communicated by the Secretary-General to all Parties for their acceptance.
- (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraph (2)(f) and (g).

(4) The adoption and entry into force of an amendment constituting an addition of an Annex or an appendix shall be subject to the procedure applicable to an amendment to the Annex.

(5) Any Party which has not accepted an amendment to an article or the Annex under paragraph (2)(f)(i) or an amendment constituting an addition of an Annex or an appendix under paragraph (4) or has communicated an objection to an amendment to an appendix under paragraph (2)(f)(ii) shall be treated as a non-Party only for the purpose of the application of such amendment. Such treatment shall terminate upon the submission of a notification of acceptance under paragraph (2)(f)(i) or withdrawal of the objection under paragraph (2)(g)(ii).

(6) The Secretary-General shall inform all Parties of any amendment which enters into force under this article, together with the date on which the amendment enters into force.

(7) Any notification of acceptance of, objection to, or withdrawal of objection to, an amendment under this article shall be communicated in writing to the Secretary-General who shall inform Parties of such notification and the date of its receipt.

(8) An appendix to the Convention shall contain only provisions of a technical nature.

Article 15

Signature, ratification, acceptance, approval and accession

(1) This Convention shall remain open for signature at the headquarters of the Organization from 30 November 1990 until 29 November 1991 and shall thereafter remain open for accession. Any State may become Party to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 16

Entry into force

(1) This Convention shall enter into force twelve months after the date on which not less than fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article 15.

(2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of the instrument, whichever is the later date.

(3) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which this Convention entered into force, this Convention shall become effective three months after the date of deposit of the instrument.

(4) After the date on which an amendment to this Convention is deemed to have been accepted under article 14, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Convention as amended.

Article 17
Denunciation

(1) This Convention may be denounced by any Party at any time after the expiry of five years from the date on which this Convention enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

Article 18
Depositary

(1) This Convention shall be deposited with the Secretary-General.

(2) The Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of this Convention; and

(iii) the deposit of any instrument of denunciation of this Convention together with the date on which it was received and the date on which the denunciation takes effect;

(b) transmit certified true copies of this Convention to the Governments of all States which have signed this Convention or acceded thereto.

(3) As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 19
Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

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

DONE at London this thirtieth day of November, one thousand nine hundred and ninety.

ANNEX

Reimbursement of costs of assistance

- (1) (a) Unless an agreement concerning the financial arrangements governing actions of Parties to deal with oil pollution incidents has been concluded on a bilateral or multilateral basis prior to the oil pollution incident, Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (i) or subparagraph (ii).
- (i) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the cost of its action. The requesting Party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party.
- (ii) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.
- (b) The principles laid down in subparagraph (a) shall apply unless the Parties concerned otherwise agree in any individual case.
- (2) Unless otherwise agreed, the costs of action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.
- (3) The Party requesting assistance and the assisting Party shall, where appropriate, cooperate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.
- (4) The provisions of this Convention shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law. Special attention shall be paid to the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage or any subsequent amendment to those Conventions.

Final Act of the Conference on International Cooperation on
Oil Pollution Preparedness and Response 1/

1. In accordance with article 2 (b) of the Convention on the International Maritime Organization, at its sixteenth regular session the Assembly of the Organization decided, by adoption of resolution A.674(16) of 19 October 1989, to convene an international conference to consider the adoption of an international convention on oil pollution preparedness and response.
2. In this connection, by adoption of resolution A.644(16) of 19 October 1989 on the work programme and budget for the sixteenth financial period 1990-1991, the Assembly at the above-mentioned session noted that the Government of the United States of America had kindly agreed to provide the necessary funds for one preparatory meeting and for a one-week diplomatic conference.
3. Subsequently, the Organization was informed that the Government of Japan and the Japan Shipbuilding Industry Foundation had kindly agreed to provide additional funding in order that the duration of the diplomatic conference could be extended to two weeks.
4. The Conference was held in London, at the headquarters of the International Maritime Organization, from 19 to 30 November 1990.
5. Representatives of 90 States participated in the Conference, namely the representatives of:

Algeria, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Brazil, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Costa Rica, Côte d'Ivoire, Cyprus, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guinea, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Morocco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Singapore, Spain, Sudan, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam and Zaire.
6. The following States sent observers to the Conference:

Cuba, Guatemala and Yugoslavia
7. Hong Kong, an Associate Member of the International Maritime Organization, sent an observer to the Conference.

1/ See IMO document OPRR/CONF/24 of 29 November 1990.

8. Representatives of the following bodies of the United Nations attended the Conference:

United Nations Environment Programme (UNEP)
United Nations Industrial Development Organization (UNIDO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
Intergovernmental Oceanographic Commission (IOC)

9. The following four intergovernmental organizations sent observers to the Conference:

Organization for Economic Cooperation and Development (OECD)
Commission of the European Communities (CEC)
International Oil Pollution Compensation Fund (IOPC FUND)
Helsinki Commission (HELCOM)

10. The following nine non-governmental international organizations sent observers to the Conference:

International Chamber of Shipping (ICS)
International Maritime Committee (CMI)
International Association of Ports and Harbors (IAPH)
International Association of Classification Societies (IACS)
Oil Companies International Marine Forum (OCIMF)
Oil Industry International Exploration and Production Forum (E & P FORUM)
International Association of Independent Tanker Owners (INTERTANKO)
International Tanker Owners Pollution Federation Limited (ITOPF)
Advisory Committee on Pollution of the Sea (ACOPS)

11. His Excellency Mr. Abdeslam Zenined, Ambassador Extraordinary and Plenipotentiary of the Kingdom of Morocco to the United Kingdom, head of the delegation of Morocco, was elected President of the Conference.

12. The Vice-Presidents elected by the Conference were:

Vice-Admiral C. Toledo de la Maza	(Chile)
Mr. Yu Zhizhong	(China)
Mr. J. Ostergaard	(Denmark)
Mr. O.O. George	(Nigeria)
H.E. the Honourable T.T. Syquia	(Philippines)
Mr. O.A. Savin	(USSR)

13. The Secretariat of the Conference consisted of the following officers:

Secretary-General	Mr. W.A. O'Neil
Executive Secretary	Mr. K. Voskresensky, Director, Marine Environment Division
Deputy Executive Secretaries:	Mr. J. Wonham, Senior Deputy Director, Marine Environment Division
	Mr. D.T. Edwards, Deputy Director, Marine Environment Division

14. The Conference established a Committee of the Whole with the mandate to consider the draft text of an international convention on oil pollution preparedness and response and related recommendations and resolutions.

15. The Drafting Committee established by the Conference was composed of representatives of the following nine States:

Argentina, China, Egypt, France, Japan, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

16. The Credentials Committee was appointed to examine the credentials of representatives attending the Conference. The Committee was composed of representatives of the following States:

Cameroon, Iran (Islamic Republic of), Italy, Poland and Venezuela.

17. The officers elected for the Committees were as follows:

Committee of the Whole:

Chairman:	Mr. E. Jansen (Norway)
Vice-Chairmen:	H.E. Mr. G.B. Cooper (Liberia)
	H.E. Dr. P.E.J. Rodgers (Bahamas)

Drafting Committee:

Chairman:	Mr. Y. Sasamura (Japan)
Vice-Chairman:	Mr. J.F. Levy (France)

Credentials Committee:

Chairman:	Mr. J. Vonau (Poland)
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18. The Conference used as the basis of its work:

- draft text of an international convention on oil pollution preparedness and response prepared by a preparatory meeting; and
- draft Conference resolutions prepared by the preparatory meeting.

19. The Conference also considered proposals and comments on the above-mentioned documents submitted to the Conference by Governments and interested organizations.

20. As a result of its deliberations, the Conference adopted the:

International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990

21. The Conference further adopted the following resolutions:

1. References to instruments and other documents developed by the International Maritime Organization under articles of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990
2. Implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 pending its entry into force
3. Early implementation of the provisions of article 12 of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990
4. Implementation of the provisions of article 6 of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990
5. Establishment of oil pollution combating equipment stockpiles
6. Promotion of technical assistance
7. Development and implementation of a training programme for oil pollution preparedness and response
8. Improving salvage services
9. Cooperation between States and insurers
10. Expansion of the scope of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 to include hazardous and noxious substances

These resolutions are contained in the Attachment to this Final Act.

22. This Final Act is established in a single original text in the Arabic, Chinese, English, French, Russian and Spanish languages which is to be deposited with the Secretary-General of the International Maritime Organization.

23. The Secretary-General shall send certified copies of this Final Act with its Attachment and certified copies of the authentic text of the Convention to the Governments of the States invited to be represented at the Conference, in accordance with the wishes of those Governments.

IN WITNESS WHEREOF the undersigned have affixed their signature to this Final Act.

DONE at London this thirtieth day of November, one thousand nine hundred and ninety.

Attachment

Conference resolution 1

REFERENCES TO INSTRUMENTS AND OTHER DOCUMENTS DEVELOPED BY THE INTERNATIONAL MARITIME ORGANIZATION UNDER ARTICLES OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND COOPERATION, 1990

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the OPRC Convention),

Recognizing that the measures introduced by the OPRC Convention take into account the provisions of other important conventions developed by the International Maritime Organization, in particular the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78),

Recognizing also the need for the OPRC Convention to supplement and not to duplicate the important provisions adopted by, or under the auspices of, the Organization, such as those contained in MARPOL 73/78, guidelines and manuals,

Noting that articles 3, 4, 5 and 6 of the OPRC Convention in particular refer to certain provisions of MARPOL 73/78 and other documents developed by the Organization,

1. Adopts the list containing references to the instruments and other documents developed by the Organization under the relevant articles of the OPRC Convention, as set out in the annex to this resolution;
2. Invites the Marine Environment Protection Committee of the Organization to keep the list up to date;
3. Requests the Secretary-General of the Organization to include these references, updated as necessary, in future editions of the publications of the OPRC Convention in the form of footnotes to the relevant articles.

Annex

References in the OPRC Convention

Article 3(1)(a)

"The provisions adopted by the Organization" refers to regulation 26 of Annex I of MARPOL 73/78.

Article 3(1)(b)

"Existing international agreements" refers to articles 5 and 7 of MARPOL 73/78.

Article 4(2)

"The requirements developed by the Organization" refers to article 8 and Protocol I of MARPOL 73/78.

"Guidelines and general principles adopted by the organization" refers to "General principles for ship reporting system and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants", adopted by the Organization by resolution A.648(16).

Article 5(4)

"The oil pollution reporting system developed by the Organization" is contained in the Manual on Oil Pollution, section II - Contingency Planning, appendix 2, developed by the Marine Environment Protection Committee of the Organization.

Article 6(1)(b)

"Guidelines developed by the Organization" are contained in the Manual on Oil Pollution, section II - Contingency Planning, developed by the Marine Environment Protection Committee of the Organization.

Conference resolution 2

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS,
RESPONSE AND COOPERATION, 1990, PENDING ITS ENTRY INTO FORCE

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the OPRC Convention),

Recognizing the continuing risk of a major oil pollution incident and the serious environmental consequences which may arise therefrom,

Convinced of the importance of cooperation among States in the exchange of information and assistance respecting oil pollution preparedness and response,

Mindful of the particular vulnerability of those countries which do not have ready access to information and advice on oil pollution preparedness and response,

Recognizing further that it is desirable for each country at risk from oil pollution incidents to establish a national system for combating oil pollution,

Desiring that the provisions of the OPRC Convention should become effective as soon as possible so as to facilitate international cooperation in oil pollution preparedness and response,

1. Calls upon all States, including those that have not participated in this Conference, to sign and to become Parties to the OPRC Convention and to implement its provisions as soon as possible;
2. Urges all States to establish, as soon as and to the extent possible, national systems for combating oil pollution;
3. Urges further all States, pending the entry into force of the OPRC Convention for them, to cooperate among themselves and with the International Maritime Organization, as appropriate, in exchanging oil pollution combating information and in facilitating prompt assistance in the event of a major oil pollution incident.

Conference resolution 3

EARLY IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 12 OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND COOPERATION, 1990

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the OPRC Convention),

Noting the provisions of resolution A.448(XI) of the Assembly of the International Maritime Organization on regional arrangements for combating major incidents or threats of marine pollution, and further Assembly resolutions on technical assistance in the field of protection of the marine environment (A.349(IX), A677(16)),

Noting also, in particular, that article 12 of the OPRC Convention by which the Parties designated IMO, subject to its agreement and the availability of adequate resources to sustain the activity, to carry out certain functions and activities and to meet certain objectives of the OPRC Convention,

Noting further the importance of taking account of the experience gained within regional agreements on combating marine pollution as referred to in Assembly resolution A.674(16),

Recognizing the importance of early implementation of the objectives of article 12 of the OPRC Convention,

1. Invites the Secretary-General of the Organization, pending the entry into force of the OPRC Convention, to initiate the early implementation of functions and activities in order to meet the objectives in article 1,(1)(a) and (b) of the OPRC Convention within available resources;
2. Invites the Organization to provide a forum for discussion of experiences gained within regional conventions and agreements concerning combating oil pollution incidents;
3. Requests the Secretary-General to present to the Organization, within one year of this Conference, a programme which indicates the way in which the Organization contemplates carrying out the duties mentioned in this Convention, and which would include such elements as reallocating available resources, examining and developing alternative organizational arrangements, and determining financial implications and possible sources of support;
4. Invites further the Organization to review periodically progress made in implementing article 12 of the OPRC Convention.

Conference resolution 4

IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6 OF THE INTERNATIONAL CONVENTION
ON OIL POLLUTION PREPAREDNESS, RESPONSE AND COOPERATION, 1990

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the OPRC Convention),

Recognizing the importance of the "polluter pays" principle,

Noting that article 6 of the OPRC Convention provides that the Parties shall establish a national system comprising a contingency plan and shall set up, either individually or in cooperation with other Parties, arrangements comprising, in particular, response equipment and a training programme,

Being aware that, in the event of an oil pollution incident, measures taken immediately by the State under threat are essential and are likely, in the initial phase, to be the most effective in protecting its coasts and minimizing the potential damage caused by such an incident,

Emphasizing that when international assistance is requested by the State under threat, the dispatch of personnel and equipment may require some time as a result of distance,

Emphasizing further that the effectiveness of assistance depends on measures taken to prepare for response and to train personnel to put into effect the national contingency plan of the State under threat,

Bearing in mind that the financial resources available to some developing countries are limited,

Recognizing also that measures taken to prepare for response necessitate specific financial aid, made available for that purpose, for the benefit of the developing countries,

1. Invites Parties to give due consideration, in their bilateral and multilateral cooperation programmes, and on fair terms, to the needs of the developing countries arising from the implementation of the OPRC Convention;
2. Invites also the Secretary-General of the Organization to give his support in identifying international bodies that might provide specific sources of financing to assist the developing countries in carrying out the obligations arising from the OPRC Convention.

Conference resolution 5

ESTABLISHMENT OF OIL POLLUTION COMBATING EQUIPMENT STOCKPILES

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the OPRC Convention),

Noting article 6(2)(a) of the OPRC Convention which provides that each Party shall establish, within its capabilities, either individually or through bilateral or multilateral cooperation and, as appropriate, in cooperation with the oil and shipping industries and other entities, a system which includes a minimum level of pre-positioned oil spill combating equipment, and programmes for its use,

Noting also that one of the fundamental elements of the International Maritime Organization's strategy for the protection of the marine environment is to strengthen the capacity for national and regional action to combat marine pollution and to promote technical cooperation to this end,

Recognizing that in the event of an oil spill or threat thereof, prompt and effective action should be taken initially at the national level to organize and coordinate prevention, mitigation and clean-up activities,

Recognizing also that one of the basic principles used for providing funds following pollution damage is the "polluter pays" principle,

Recognizing further the importance of mutual cooperation and assistance in combating major oil pollution incidents which may be beyond the capability of individual countries and the need to enhance the oil spill combating equipment available in certain regions of the world particularly vulnerable to a major oil pollution incident either because of the high density of vessel traffic or particularly sensitive ecological conditions,

Acknowledging the activities of the Organization, in cooperation with donor countries and industry, in establishing oil spill combating equipment stockpiles or centres in areas where developing countries in particular are vulnerable to or at risk from a major oil pollution incident,

Invites the Secretary-General of the Organization, in consultation with the Executive Director of the United Nations Environment Programme, to approach the oil and shipping industries with a view to:

- (a) encouraging further cooperation in order to assist developing countries to implement article 6 of the OPRC Convention, including an assessment of the need for oil spill combating equipment stockpiles on a regional or subregional basis in addition to those already established;
- (b) developing a plan on the establishment of oil spill combating equipment stockpiles on a regional or subregional basis, in order to assist developing countries in implementing article 6(2)(a) of the OPRC Convention.

Conference resolution 6

PROMOTION OF TECHNICAL ASSISTANCE

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the OPRC Convention),

Noting that key elements in the success of any action to combat marine pollution are good administrative organization in the countries concerned in this field and at least a minimum of technical preparation,

Being aware of the difficulties that may be encountered by certain developing countries in establishing such organization and preparation through their own resources,

Recognizing the role played in this connection by the International Maritime Organization, by regional agreements, by bilateral cooperation and by industry programmes,

Recognizing also the contribution made by the Organization's technical cooperation programme, the United Nations Development Programme, the United Nations Environment Programme and national aid agencies in this regard,

Noting also resolution A.677(16) which invites the Secretary-General of the Organization to undertake on a priority basis an evaluation of problems faced by developing countries with a view to formulating the long-term objectives of the Organization's technical assistance programme in the environmental field, and to report the outcome to the seventeenth session of the Assembly of the Organization,

Noting further the convening of an advisory group by the Secretary-General for this purpose,

1. Requests States members of the Organization, in cooperation with the Organization when appropriate, other interested States, competent international or regional organizations and industry programmes, to strengthen action to assist developing countries especially in:

- (a) the training of personnel,
- (b) ensuring the availability of relevant technologies, equipment and facilities,

necessary for oil pollution preparedness and response, so as to enable them to establish at least the minimum structures and resources for combating oil pollution incidents commensurate with the perceived risks of such incidents;

2. Requests also member States, in cooperation with the Organization when appropriate, other interested States, competent international or regional organizations and industry programmes, to strengthen action to assist developing countries in the initiation of joint research and development programmes;

3. Urges member States to contribute to such actions without delay, inter alia, through bilateral or multilateral cooperation;

4. Requests further the Organization to re-evaluate the principles underlying cooperation and assistance in articles 7, 8 and 9 of the OPRC Convention in the light of the 1992 United Nations Conference on Environment and Development.

Conference resolution 7

DEVELOPMENT AND IMPLEMENTATION OF A TRAINING PROGRAMME FOR OIL
POLLUTION PREPAREDNESS AND RESPONSE

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990,

Noting that a key element in the International Maritime Organization's strategy for protection of the marine environment is the enhancement of the capacity for national and regional action to prevent, control, combat and mitigate marine pollution and to promote technical cooperation to this end,

Being aware that the capability of a State to respond to an oil pollution incident depends on the availability of oil spill combating equipment as well as of trained oil spill response personnel,

Recognizing the role of the Organization in organizing national, regional and global training courses and in developing training aids aimed at providing the necessary technical expertise, in particular for developing countries, in the field of combating incidents of marine pollution,

Recognizing also the role of the World Maritime University and its branches in providing high-level training facilities for personnel, in particular from developing countries,

Recognizing further the support of the United Nations Development Programme, the United Nations Environment Programme and several States members of the Organization for the training component of the Organization's technical cooperation programme,

Considering the need for an increased global effort by all those concerned with the maritime transport of oil and its environmental impact towards the development of a global training programme in oil pollution preparedness and response,

1. Invites the Secretary-General of the Organization, in cooperation with interested Governments, relevant international and regional organizations and oil and shipping industries, to endeavour to develop a comprehensive training programme in the field of oil pollution preparedness and response;
2. Invites also the Marine Environment Protection Committee of the Organization, on the basis of proposals made by the Secretary-General, to consider and endorse, as appropriate, such training programme on oil pollution preparedness and response;
3. Invites further States members of the Organization to endeavour to make available the expertise necessary for the development and implementation of the training programme.

Conference resolution 8

IMPROVING SALVAGE SERVICES

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990,

Considering the need to ensure that sufficient salvage capacity is available on a worldwide basis and to appreciate and reward the salvor's preventive function as to marine pollution,

Recalling that the 1989 International Convention on Salvage, by which incentives for salvors to prevent marine pollution by their salvage operations have been introduced, has not yet entered into force,

Noting with interest that the Third International Conference on the Protection of the North Sea decided on 8 March 1990 to take concerted action within the International Maritime Organization with the aim of ensuring sufficient salvage capacity on a worldwide basis,

Recognizing the expertise and experience of salvors in operating the salvage service efficiently on an international basis,

Recognizing further the essential role of salvors in response to casualties causing or likely to cause marine pollution,

Bearing in mind that there are indications that a considerable percentage of suitable salvage capacity may no longer be available for salvage purposes,

Being aware of the need for sufficient salvage capacity along the main shipping routes of international traffic of oil and other harmful substances,

1. Urges States to ratify or accede to the 1989 International Convention on Salvage as soon as possible;
2. Requests States members of the Organization to review the salvage capacity available to them and to report to the Organization not later than one year after the Conference on their public and private salvage capabilities which are suitable to carry out salvage operations in order to prevent or minimize damage to the marine environment;
3. Requests member States whose coasts have been threatened or damaged by marine pollution incidents to report to the Organization on any appropriate measures they have taken to utilize salvage capacities in response to such incidents;
4. Requests the Secretary-General of the Organization to consult the International Salvage Union, salvors, insurers, shipowners and the oil industry on the present and future availability of salvage capacity and to report his findings to the Marine Environment Protection Committee of the Organization.

Conference resolution 9

COOPERATION BETWEEN STATES AND INSURERS

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990,

Being aware of the difficulties that may be encountered by a State affected by a pollution incident in obtaining useful and necessary information for pollution combating,

Recognizing the potential role of insurers, advisors and technical experts in providing such information,

Convinced that it is desirable to establish close cooperation between the State that has suffered pollution and the insurers,

Requests insurers, technical experts and advisors to cooperate with States in order to exchange technical information to allow effective response in the event of an oil pollution incident.

Conference resolution 10

EXPANSION OF THE SCOPE OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION
PREPAREDNESS, RESPONSE AND COOPERATION, 1990, TO INCLUDE HAZARDOUS AND
NOXIOUS SUBSTANCES

The Conference,

Having adopted the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (the OPRC Convention),

Noting article 38(a) of the Convention on the International Maritime Organization relating to the function of the Marine Environment Protection Committee or the Organization concerning the performance of such functions as are or may be conferred upon the Organization by or under international conventions,

Recognizing that pollution of the sea by accidental discharge of hazardous and noxious substances into the waters may threaten the marine environment and the interests of coastal States,

Recognizing also the existence of international instruments dealing with the carriage of hazardous materials and Assembly resolution A.676(16) on the transboundary movement of hazardous wastes,

Bearing in mind also that many of the existing regional conventions and agreements on cooperation in combating marine pollution incidents apply both to oil and to other harmful substances,

Considering it desirable that the scope of the OPRC Convention should be expanded to apply, either in whole or in part, to marine pollution incidents involving hazardous and noxious substances,

Considering also that it is desirable that, to the extent feasible and where appropriate, the OPRC Convention be applied by Parties thereto to marine pollution incidents involving hazardous and noxious substances other than oil,

Believing that the ways and means of responding to a marine pollution incident involving hazardous and noxious substances are different in certain important respects from those available for oil pollution preparedness and response,

Recognizing further the ongoing work of the Organization concerning the development of an international legal regime for liability and compensation, in connection with the carriage of hazardous and noxious substances by sea and the need for early adoption of a convention on this subject,

1. Invites the International Maritime Organization to initiate work to develop an appropriate instrument to expand the scope of the OPRC Convention to apply, in whole or in part, to pollution incidents by hazardous substances other than oil and to prepare a proposal to this end;
2. Urges Parties to the OPRC Convention to apply the appropriate provisions of the Convention, to the extent feasible and where appropriate, to hazardous and noxious substances, pending the adoption and entry into force of an instrument to cover these substances.

2. Regional treaties and instruments

(a) The Castries Declaration of 24 November 1989 ^{1/}

[Original: English]

The Authority at Castries, St. Lucia, 20-24 November 1989,

We the Prime Ministers, Deputy Prime Minister, Chief Ministers and other ministers plenipotentiaries constituted as the Authority of the Organization of Eastern Caribbean States (OECS):

Recognizing the increasing importance of marine fisheries to the peoples of the OECS region,

Deeply concerned at the damage being caused to the marine environment by drift-nets and other unselective fishing gear in the oceans,

Conscious of the increasing fishing activities of foreign fishing vessels using the drift-net technique in the waters of the OECS region at a time when their use is restricted in certain other regions,

Convinced that any proliferation in the use of these indiscreet, irresponsible and disruptive fishing techniques in the waters of the OECS region can permanently change the nature and abundance of the region's living marine resources,

Considering the provisions of the 1982 United Nations Convention on the Law of the Sea, particularly articles 61, 63, 64, 73, 116, 117, 118 and 119,

Mindful that the indiscriminate use of fishing gear, whether on the high seas or in a coastal State's exclusive economic zone, is inconsistent with legal provisions as enunciated in the United Nations Convention on the Law of the Sea,

Acknowledging the rights and duties of States to ensure the proper management and conservation of the living marine resources in their exclusive economic zones and the mutual interest of all OECS States to collaborate in order to conserve and protect fisheries stocks,

Resolve to seek to establish a regional regime for the regulation and management of the pelagic resources in the Lesser Antilles region that would outlaw the use of drift-nets and other disruptive fishing methods by commercial fishing vessels, and call upon other States in the region to cooperate in this regard;

Resolve that all member States of OECS will take all possible measures in the interim to prevent the use of indiscriminate fishing methods in their exclusive economic zones;

Further resolve that member States, acting individually and collectively, will take whatever action possible within relevant regional and international organizations that would contribute towards the global restriction of harmful fishing practices.

^{1/} A/45/64, annex.

(b) Tarawa Declaration of 11 July 1989 ^{1/}

[Original: English]

The South Pacific Forum meeting at Tarawa on 10 and 11 July 1989,

Recognizing the crucial dependence of the Pacific Island peoples on marine resources,

Profoundly concerned at the damage now being done by pelagic drift-net fishing to the economy and environment of the South Pacific region,

Convinced that this indiscriminate, irresponsible and destructive fishing technique threatens the survival of the albacore tuna resource, and so the economic well-being of Forum Island Countries,

Deeply regretting that Japan and Taiwan have failed to respond to the concerns of regional countries about this most serious issue,

Noting that it is in the mutual interest of the major fishing nations active in the region, and the Forum, to conserve fisheries stocks,

Noting also that all countries inside and outside the region are affected by the mismanagement of the resources of the world's oceans, by the environmental dangers of drift-net fishing and by the threat to safe navigation,

Recalling the relevant provisions of the 1982 United Nations Convention on the Law of the Sea, and in particular articles 63, 64, 87, 116, 117, 118 and 119,

Recognizing that the use of drift-nets as presently employed in the Southern Pacific Albacore Tuna Fishery is not consistent with international legal requirements in relation to rights and obligations of high seas fisheries conservation and management and environmental principles,

Resolves, for the sake of this and succeeding generations of Pacific peoples, to seek the establishment of a regime for the management of albacore tuna in the South Pacific that would ban drift-net fishing from the region; such a ban might then be a first step to a comprehensive ban on such fishing;

Determines, to this end, to convene an urgent meeting of regional diplomatic, legal and fisheries experts to develop a Convention to give effect to its common resolve to create a zone free of drift-net fishing;

^{1/} See A/44/463, annex, para. 34.

Calls upon the international community to support, and cooperate in, the urgent conclusion of a Convention establishing the zone;

Resolves that individual member States of the South Pacific Forum will take all possible measures in the interim to prevent drift-net fishing within their waters, and otherwise actively to discourage the operations of drift-net fishers;

Further resolves that member States, acting individually and collectively, will take what action they can within relevant international organizations to contribute to the cessation of this harmful form of fishing;

Commends the Republic of Korea for its decision to cease drift-net fishing in the region;

Calls upon Japan and Taiwan to follow this example, and abandon immediately their damaging drift-net operations.

Signed at Tarawa, Kiribati, on the eleventh day of July 1989.

(c) Convention for the Prohibition of Fishing with Long Drift Nets
in the South Pacific of 23 November 1989 1/

The Parties to this Convention,

RECOGNISING the importance of marine living resources to the people of the South Pacific region;

PROFOUNDLY CONCERNED at the damage now being done by pelagic drift-net fishing to the albacore tuna resource and to the environment and economy of the South Pacific region;

CONCERNED ALSO for the navigational threat posed by drift-net fishing;

NOTING that the increasing fishing capacity induced by large scale drift-net fishing threatens the fish stocks in the South Pacific;

MINDFUL OF the relevant rules of international law, including the provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, in particular Parts V, VII and XVI;

RECALLING the Declaration of the South Pacific Forum at Tarawa, 11 July 1989, that a Convention should be adopted to ban the use of drift nets in the South Pacific region;

RECALLING ALSO the Resolution of the 29th South Pacific Conference at Guam, which called for an immediate ban on the practice of drift-net fishing in the South Pacific Commission region;

HAVE AGREED as follows:

Article 1

DEFINITIONS

For the purpose of this Convention and its Protocols:

(a) The "Convention Area",

- (i) Subject to subparagraph (ii) of this paragraph, shall be the area lying within 10 degrees North latitude and 50 degrees South latitude and 130 degrees East longitude and 120 degrees West longitude, and shall also include all waters under the fisheries jurisdiction of any Party to this Convention;
- (ii) In the case of a State or Territory which is Party to the Convention by virtue of paragraph 1(b) or 1(c) of article 10, it shall include only waters under the fisheries jurisdiction of that Party, adjacent to the Territory referred to in paragraph 1(b) or 1(c) of article 10.

1/ Entered into force on 17 May 1991.

(b) "drift net" means a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface of or in the water;

(c) "drift net fishing activities" means:

- (i) catching, taking or harvesting fish with the use of a drift net;
- (ii) attempting to catch, take or harvest fish with the use of a drift net;
- (iii) engaging in any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish with the use of a drift net, including searching for and locating fish to be taken by that method;
- (iv) any operations at sea in support of, or in preparation for, any activity described in this paragraph, including operations of placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
- (v) aircraft use, relating to the activities described in this paragraph, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel; or
- (vi) transporting, transshipping and processing any drift-net catch, and cooperation in the provision of food, fuel and other supplies for vessels equipped for or engaged in drift-net fishing.

(d) the "FFA" means the South Pacific Forum Fisheries Agency; and

(e) "fishing vessel" means any vessel or boat equipped for or engaged in searching for, catching, processing or transporting fish or other marine organisms.

Article 2

MEASURES REGARDING NATIONALS AND VESSELS

Each Party undertakes to prohibit its nationals and vessels documented under its laws from engaging in drift-net fishing activities within the Convention Area.

Article 3

MEASURES AGAINST DRIFT-NET FISHING ACTIVITIES

1. Each Party undertakes:

(a) not to assist or encourage the use of drift nets within the Convention Area; and

(b) to take measures consistent with international law to restrict drift-net fishing activities within the Convention Area, including but not limited to:

- (i) prohibiting the use of drift nets within areas under its fisheries jurisdiction; and
 - (ii) prohibiting the transshipment of drift-net catches within areas under its jurisdiction.
2. Each Party may also take measures consistent with international law to:
- (a) prohibit the landing of drift-net catches within its territory;
 - (b) prohibit the processing of drift-net catches in facilities under its jurisdiction;
 - (c) prohibit the importation of any fish or fish product, whether processed or not, which was caught using a drift net;
 - (d) restrict port access and port servicing facilities for drift-net fishing vessels; and
 - (e) prohibit the possession of drift nets on board any fishing vessel within areas under its fisheries jurisdiction.
3. Nothing in this Convention shall prevent a Party from taking measures against drift-net fishing activities which are stricter than those required by the Convention.

Article 4

ENFORCEMENT

1. Each Party shall take appropriate measures to ensure the application of the provisions of this Convention.
2. The Parties undertake to collaborate to facilitate surveillance and enforcement of measures taken by Parties pursuant to this Convention.
3. The Parties undertake to take measures leading to the withdrawal of good standing on the Regional Register of Foreign Fishing Vessels maintained by the FFA against any vessel engaging in drift-net fishing activities.

Article 5

CONSULTATION WITH NON-PARTIES

1. The Parties shall seek to consult with any State which is eligible to become a Party to this Convention on any matter relating to drift-net fishing activities which appear to affect adversely the conservation of marine living resources within the Convention Area or the implementation of the Convention and its protocols.
2. The Parties shall seek to reach agreement with any State referred to in paragraph 1 of this article, concerning the prohibitions established pursuant to articles 2 and 3.

Article 6

INSTITUTIONAL ARRANGEMENTS

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

(a) the collection, preparation and dissemination of information on drift-net fishing activities within the Convention Area;

(b) the facilitation of scientific analyses on the effects of drift-net fishing activities within the Convention Area, including consultations with appropriate regional and international organizations; and

(c) the preparation and transmission to the Parties of an annual report on any drift-net fishing activities within the Convention Area and the measures taken to implement this Convention or its Protocols.

2. Each Party shall expeditiously convey to the FFA:

(a) information on the measures adopted by it pursuant to the implementation of the Convention; and

(b) information on, and scientific analyses on the effects of, drift-net fishing activities relevant to the Convention Area.

3. All Parties, including States or Territories not members of the FFA, and the FFA shall cooperate to promote the effective implementation of this article.

Article 7

REVIEW AND CONSULTATION AMONG PARTIES

1. Without prejudice to the conduct of consultations among Parties by other means, the FFA, at the request of three Parties, shall convene meetings of the Parties to review the implementation of this Convention and its Protocols.

2. Parties to the Protocols shall be invited to any such meeting and to participate in a manner to be determined by the Parties to the Convention.

Article 8

CONSERVATION AND MANAGEMENT MEASURES

Parties to this Convention shall cooperate with each other and with appropriate distant water fishing nations and other entities or organizations in the development of conservation and management measures for South Pacific albacore tuna within the Convention Area.

Article 9

PROTOCOLS

This Convention may be supplemented by Protocols or associated instruments to further its objectives.

Article 10

SIGNATURE, RATIFICATION AND ACCESSION

1. This Convention shall be open for signature by:
 - (a) any member of the FFA; and
 - (b) any State in respect of any Territory situated within the Convention Area for which it is internationally responsible; or
 - (c) any Territory situated within the Convention Area which has been authorized to sign the Convention and to assume rights and obligations under it by the Government of the State which is internationally responsible for it.
2. This Convention is subject to ratification by members of the FFA and the other States and Territories referred to in paragraph 1 of this article. The instruments of ratification shall be deposited with the Government of New Zealand which shall be the Depositary.
3. This Convention shall remain open for accession by the members of the FFA and the other States and Territories referred to in paragraph 1 of this article. The instruments of accession shall be deposited with the Depositary.

Article 11

RESERVATIONS

This Convention shall not be subject to reservations.

Article 12

AMENDMENTS

1. Any Party may propose amendments to this Convention.
2. Amendments shall be adopted by consensus among the Parties.
3. Any amendments adopted shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.
4. An amendment shall enter into force thirty days after receipt by the Depositary of instruments of ratification, approval or acceptance from all Parties.

Article 13

ENTRY INTO FORCE

1. This Convention shall enter into force on the date of deposit of the fourth instrument of ratification or accession.

2. For any member of the FFA or a State or Territory which ratifies or accedes to this Convention after the date of deposit of the fourth instrument of ratification or accession, the Convention shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 14

CERTIFICATION AND REGISTRATION

1. The original of this Convention and its Protocols shall be deposited with the Depositary, which shall transmit certified copies to all States and Territories eligible to become party to the Convention and to all States eligible to become party to a Protocol to the Convention.
2. The Depositary shall register this Convention and its Protocols in accordance with Article 102 of the Charter of the United Nations.

DONE at Wellington this twenty-third day of November 1989 in the English and French languages, each text being equally authentic.

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

(d) Agreement on the Organization for Indian Ocean Marine Affairs
Cooperation (IOMAC) of 7 September 1990

The Contracting States,

Being coastal and hinterland States of the Indian Ocean:

Bearing in mind the resources of the Indian Ocean and their potential for contributing to the economic and social development of the States of the region, and for promoting cooperation among them as well as between them and other States, in the light of the new ocean regime embodied in the United Nations Convention on the Law of the Sea;

Reaffirming their commitment to the peaceful development and rational management of the Indian Ocean;

Recalling the First Conference on Economic, Scientific and Technical Cooperation in Marine Affairs in the Indian Ocean, in the context of the new ocean regime, held at the ministerial level in Colombo, Sri Lanka, in 1987, and the progress achieved thereafter in such cooperation;

Considering it desirable that the principles applicable to such cooperation and the institutions of such cooperation be formally recognized;

Hereby agree as follows:

I. DEFINITIONS

Article 1
Definitions

For the purposes of this Agreement:

"coastal State of the Indian Ocean" means a State the coast of which borders on, or is contained within, the Indian Ocean or the adjacent seas or gulfs thereof;

"hinterland State" means a State which is immediately adjacent to a coastal State of the Indian Ocean;

"land-locked State" shall have the same meaning as in the United Nations Convention on the Law of the Sea;

"geographically disadvantaged State" shall have the same meaning as in the United Nations Convention on the Law of the Sea;

"active in marine affairs in the Indian Ocean" means having substantial marine affairs activities in the Indian Ocean or its adjacent seas or gulfs.

II. GENERAL PROVISIONS

Article 2 Establishment

1. The Organization for Indian Ocean Marine Affairs Cooperation (IOMAC), hereinafter referred to as the "Organization", is hereby established.
2. The headquarters of the Organization shall be in Colombo, Sri Lanka.

Article 3 Objectives

The objectives of the Organization shall be:

- (a) to create an awareness regarding the Indian Ocean, its resources and potential for the development of the States of the region, and promoting cooperation among them, as well as between them and other States, bearing in mind the ocean regime embodied in the United Nations Convention on the Law of the Sea;
- (b) to provide a forum where the coastal and hinterland States of the Indian Ocean and other interested States could consider, examine and review the economic uses of the Indian Ocean, its resources and related activities, including those undertaken within the framework of intergovernmental organizations, and to identify fields in which they could benefit from enhanced international cooperation, coordination and concerted action;
- (c) to enhance the economic and social development of the coastal and hinterland States of the Indian Ocean through integration of ocean-related activities in their respective development processes, and to further a policy of integrated ocean management through regular and continuing dialogue and cooperative international and regional action with particular emphasis on technical cooperation among developing countries.

Article 4 Principles and fields of cooperation

1. Principles of cooperation in marine affairs in the Indian Ocean shall be:
 - (a) optimization of the utilization of the resources of the Indian Ocean for the benefit of the States of the Indian Ocean;
 - (b) development of national capabilities in marine affairs with a view to promoting self-reliance in ocean management;
 - (c) enhancement of cooperation with other States;
 - (d) establishment and maintenance of effective cooperation with international, governmental, and non-governmental organizations, agencies and other entities active in marine affairs; and
 - (e) due regard to the rights and needs of the land-locked and geographically disadvantaged member States recognized in the new ocean regime.

2. Fields of cooperation in marine affairs in the Indian Ocean shall be:

- (a) marine science, ocean services and marine technology;
- (b) living resources;
- (c) non-living resources;
- (d) ocean law, policy and management;
- (e) marine transport and communications;
- (f) marine environment; and
- (g) other fields relevant to cooperation in marine affairs.

III. INSTITUTIONAL PROVISIONS

Article 5 Membership

Any coastal or hinterland State of the Indian Ocean may become a Member of the Organization by becoming a party to this Agreement.

Article 6 Structure of the Organization

The Organization shall have the following principal bodies:

- (a) the Conference;
- (b) the Committee; and
- (c) the Secretariat.

Article 7 The Conference

Composition

1. The Conference shall be composed of representatives at a ministerial or equivalent level of all the Members of the Organization.

Functions

2. The Conference shall:

- (a) establish policies and principles which shall govern the programmes and activities of the Organization;
- (b) elect the members of the Committee of the Organization in accordance with the provisions of article 8, paragraph 1, below;
- (c) appoint the Secretary-General of the Organization;

- (d) receive and consider the reports of the Committee and of the Secretary-General;
- (e) approve the budget and accounts of the Organization for each financial period;
- (f) approve proposals for programmes and activities of the Organization;
- (g) establish such subsidiary bodies as it may deem necessary;
- (h) examine disputes that may arise concerning the interpretation or application of this Agreement and make such recommendations, and if necessary establish such procedures, as it may deem appropriate with a view to their solution;
- (i) establish its rules of procedure except as otherwise provided in this Agreement;
- (j) establish the financial regulations of the Organization;
- (k) establish the staff regulations of the Organization and provide for conditions of service consistent as far as possible with those of other international organizations;
- (l) exercise such other functions as may be permissible under this Agreement.

Meetings and procedure

3. The Conference shall meet in regular session once every two years.
4. The Conference shall meet in special session whenever a majority of its Members or the Committee requests the convening of a special session.
5. A quorum for meetings of the Conference shall be two thirds of the Members of the Organization.
6. Each Member shall have one vote.
7. The Conference shall endeavour to reach its decisions by consensus. Where consensus is not possible, decisions of the Conference shall, unless otherwise provided in this Agreement, be made by a majority of the Members present and voting.
8. The Conference shall at each regular session elect from amongst the Members, its President and Vice-Presidents. They shall hold office until the election of their successors at the next regular session of the Conference.
9. Representatives Governments not Members of the Organization, representatives of the United Nations and the appropriate agencies and bodies of the United Nations, representatives of such other international and national governmental or non-governmental organizations as the Conference may deem appropriate and experts in fields of interest to the Conference may be invited to attend meetings of the Conference as observers. If one third of the Members of the Organization objects to the invitation of an observer to the Conference that observer shall not be invited thereafter.

10. Sessions of the Conference shall be held at the headquarters of the Organization unless the Conference decides otherwise.

Article 8
The Committee

Composition

1. The Conference shall determine the size and elect the members of the Committee, from amongst the Members of the Organization, and shall endeavour to ensure that the major geographical areas and the principal ocean-related interests (namely, land-locked, geographically disadvantaged, mainland, coastal and archipelagic) shall be represented in the Committee.

Functions

2. The Committee, which shall be the executive body of the Organization, shall:

- (a) provide the necessary policy guidance for the implementation of the Programme of Cooperation and Plan of Action of the Organization, and for the futherling of cooperation through the framework of the Organization;
- (b) consider the implementation of decisions taken by the Conference;
- (c) supervise the administration and finances of the Organization;
- (d) submit to the Conference, for its approval, the budget estimates and accounts of the Organization, together with comments and recommendations;
- (e) submit to the Conference, for its approval, proposals for programmes and activities of the Organization;
- (f) authorize the Secretary-General to take whatever steps the Committee considers necessary for achieving the objectives of the Organization;
- (g) establish its rules of procedure except as otherwise provided in this Agreement; and
- (h) exercise such other functions as may be referred to it by the Conference.

Meetings and procedure

3. The Committee shall meet in regular session once a year.

4. The Committee shall meet in special session whenever a majority of the members of the Committee requests the convening of a special session.

5. A quorum for meetings of the Committee shall be two thirds of the members of the Committee.

6. The Committee shall elect a Chairman and a Vice-Chairman.

7. Members of the Organization not elected to the Committee may participate at its meetings without a vote.

8. The Committee shall endeavour to reach its decisions by consensus. Where consensus is not possible, decisions of the Committee shall, unless otherwise provided in this Agreement, be made by a majority of its members present and voting.

9. Representatives of Governments not Members of the Organization, representatives of the United Nations and the appropriate agencies and bodies of the United Nations, representatives of such other international and national governmental and non-governmental organizations as the Committee may deem appropriate and experts in fields of interest to the Committee may be invited to attend meetings of the Committee as observers. If one third of the Members of the Organization objects to the invitation of an observer to the Committee that observer shall not be invited thereafter.

Article 9
The Secretariat

1. The Secretariat shall be composed of the Secretary-General, who shall be the chief administrative officer of the Organization, and such staff as the Organization may require.

2. The Secretary-General shall be appointed by the Conference for a period of four years, on such terms as the Conference shall determine, and shall be eligible for reappointment.

3. The Secretary-General shall, as chief administrative officer, be responsible under the guidance of the Committee for the administration of the Organization and its programmes. He shall ensure that the Organization shall be an effective and dynamic channel of cooperation in marine affairs in the Indian Ocean.

The Secretary-General shall:

- (a) serve as Secretary of the Conference and of the Committee;
- (b) report to the Conference and to the Committee on the administration of the programmes and activities of the Organization;
- (c) report to the Conference and the Committee on the financial and other resources available to the Organization;
- (d) having regard to the importance of ensuring efficiency and equitable geographical representation, appoint such staff as may be necessary for the proper functioning of the Secretariat;
- (e) prepare and submit to the Committee the budget estimates and accounts of the Organization, and proposals for programmes and activities for the consideration of the Committee;
- (f) perform such other tasks as may be entrusted to him by the Conference or the Committee.

The Secretary-General shall be responsible to the Conference in the performance of his functions.

Article 10
Legal status

The Organization shall have juridical personality and the capacity necessary for the performance of its functions and, in particular, to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 11
Facilities, privileges and immunities

1. Each Member of the Organization shall accord to the Organization, its representatives, officials and consultants such facilities, privileges and immunities as it accords to intergovernmental organizations of a similar nature.
2. The Organization shall conclude a headquarters agreement with the Government of Sri Lanka. Until such time as a headquarters agreement is concluded, the Government of Sri Lanka shall accord to the Organization, its representatives, officials and consultants such facilities, privileges and immunities as it accords to intergovernmental organizations of a similar nature.

Article 12
Relations with other organizations

The Organization shall establish effective relations and cooperate closely with the United Nations and the appropriate agencies and bodies of the United Nations, as well as with other governmental and non-governmental organizations, agencies and institutes that are active in marine affairs.

IV. RESOURCES

Article 13
Resources

1. The resources of the Organization shall include:
 - (a) the financial contributions of the Members of the Organization in accordance with paragraph 2 of this article;
 - (b) such additional financial contributions as Members may wish to make to ensure that the programmes and activities of the Organization proceed on a sound financial basis;
 - (c) other funds whose receipt is consistent with the purposes of the Organization as determined by the Secretary-General in consultation, where necessary, with the Committee;
 - (d) contributions of a non-financial nature whose receipt is consistent with the purposes of the Organization as determined by the Secretary-General in consultation, where necessary, with the Committee.

2. The financial contributions of the Members of the Organization shall consist of a yearly contribution from each Member, made in United States dollars, as follows:

- (a) a sum arrived at by dividing fifty per cent of the required and approved budget of the Organization equally amongst all the Members of the Organization; and
- (b) an additional sum, the amount of which shall be determined periodically by the Secretariat and approved by the Committee, to meet its share of the remainder of the required and approved budget. Such amount shall be calculated on the basis of the rates of assessment applicable in the United Nations, to the Members of the Organization with respect to their contributions to the regular budget of the United Nations.

Provided that the contributions, under subparagraphs (a) and (b) above, of any Member of the Organization shall not in the aggregate exceed \$30,000 a year for the first financial period of the Organization and, thereafter, such fixed annual sum for each subsequent financial period as the Conference shall determine.

3. A Member which is in arrears in the payment of its contributions under paragraph 2 above to the budget of the Organization to the extent that the amount of its arrears is equivalent to or exceeds the sum of its required contributions, under paragraph 2 above, for the two preceding calendar years, shall cease to be entitled to vote in the Conference and to be represented in the Committee.

The Conference may nevertheless permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Article 14 Management of resources

1. The Conference and the Committee shall at each of its sessions review the status of the resources of the Organization and shall make such recommendations to the Members of the Organization as may be deemed appropriate to ensure that timely and adequate resources are always available to the Organization and its programmes, and that a reasonable balance between such resources and the programmes and activities of the Organization is maintained.

2. The resources of the Organization shall be administered on a sound economic and financial basis.

3. Rules for the receipt, custody and expenditure of the financial and non-financial resources of the Organization and for the auditing of its accounts shall be established by the Secretary-General with the approval of the Committee.

V. FINAL PROVISIONS

Article 15

Signature, ratification, accession

1. Any coastal or hinterland State of the Indian Ocean may become a party to this Agreement by:
 - (a) signing this Agreement subject to ratification, acceptance or approval and, thereafter, depositing an instrument of ratification, acceptance or approval; or
 - (b) acceding to this Agreement.
2. This Agreement shall be open for signature at the Ministry of Foreign Affairs, Dar-Es-Salaam, United Republic of Tanzania, and at the Secretariat of IOMAC, in Colombo, Sri Lanka, until its entry into force.
3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of Sri Lanka.

Article 16

Entry into force

1. This Agreement shall enter into force on the thirtieth day after eight States have become parties to this Agreement in accordance with article 15.
2. For each State depositing an instrument of ratification, acceptance, approval or accession after the entry into force of this Agreement, the Agreement shall enter into force on the thirtieth day after such deposit.

Article 17

Amendment

1. Any party to this Agreement may propose an amendment to this Agreement.
2. The text of the proposed amendment shall be communicated by the Secretary-General to all the parties to this Agreement at least six months in advance of consideration of the proposed amendment by the Conference.
3. If approved by a two-thirds majority in the Conference, the proposed amendment shall, nevertheless, only enter into force for all parties to this Agreement on the thirtieth day after deposit of instruments of acceptance or approval of the proposed amendment by two thirds of the parties to this Agreement.

Article 18
Withdrawal from the Organization

1. Any Member of the Organization may withdraw from this Agreement and, in doing so, from its membership in the Organization by giving written notice of withdrawal to the depositary of this Agreement and to the Secretary-General.
2. The withdrawal shall take effect six months after the date of receipt of the notification by the depositary.
3. A Member withdrawing from the Organization shall continue to be responsible for the obligations incurred within the period of its membership.

Article 19
Dissolution of the Organization

1. The Conference may, by a two-thirds majority of its Members, resolve that the Organization shall be dissolved.
2. On the endorsement of such a resolution by two thirds of the States parties to this Agreement in notifications addressed to the President of the Conference the necessary steps shall be taken by the Conference for the dissolution of the Organization. These steps shall include the establishment by the Conference of a committee to advise the Conference, in consultation with the Committee and the Secretary-General, on the manner in which the assets and obligations of the Organization should be liquidated prior to its dissolution.
3. The Conference shall, at the appropriate stage, adopt a final declaration stating that on a specified date the Organization shall be deemed dissolved. The declaration shall be communicated by the President of the Conference to the Members of the Organization and to the depositary of this Agreement.

Article 20
Depositary

The two original copies of this Agreement shall be deposited with the Government of Sri Lanka which will be the depositary of this Agreement in accordance with the Vienna Convention on the Law of Treaties.

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

DONE at Arusha, the United Republic of Tanzania, in two copies in the English language this seventh day of September one thousand nine hundred and ninety.

(e) Convention on Fisheries Cooperation among African States
Bordering the Atlantic Ocean of 5 July 1991

The African States Bordering the Atlantic Ocean, Parties to this Convention,

Mindful of the United Nations Convention on the Law of the Sea signed on 10 December 1982, in particular its provisions encouraging the conclusion of regional and subregional agreements on fisheries cooperation as well as other relevant international treaties;

Bearing in mind the Rabat Declaration adopted at the end of the Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean, which took place in the Kingdom of Morocco from 30 March to 1 April 1989;

Taking into account the existing regional and subregional fisheries agreements between States of the Region;

Convinced that, in view of the particular nature of the marine environment no rational management of stocks and consequently sustainable fisheries development may be secured without coordination of policies in this field, particularly among States belonging to the same region;

Convinced, therefore, of the need for regional consultation for the purpose of achieving harmonized policies regarding fishery resources exploitation, conservation and processing;

Determined, for that purpose, to promote between them and in collaboration with competent subregional, regional and international organizations, active cooperation in line with the aspirations of States of the Region, within the context of a fisheries management strategy designed to serve the economic, social and nutritional development of their populations;

HAVE AGREED as follows:

Article 1
Scope and use of terms

1. The provisions of this Convention shall apply to the following African States bordering the Atlantic Ocean:

People's Republic of Angola, Republic of Benin, Republic of Cameroon, Republic of Cape Verde, Republic of Congo, Republic of Côte d'Ivoire, Republic of Gabon, Republic of The Gambia, Republic of Ghana, Republic of Guinea, Republic of Guinea-Bissau, Republic of Equatorial Guinea, Republic of Liberia, Kingdom of Morocco, Islamic Republic of Mauritania, Republic of Namibia, Federal Republic of Nigeria, Democratic Republic of Sao Tome and Principe, Republic of Senegal, Republic of Sierra Leone, Republic of Togo, Republic of Zaire.

2. For the purpose of this Convention:

- (a) "Region": means the area comprising the above-mentioned States;
- (b) "Party": means any State party to this Convention;
- (c) "Convention": means this Convention.

Article 2
Objectives

The objectives of this Convention shall be to enable Parties:

- (a) To promote an active and organized cooperation in the area of fisheries management and development in the Region;
- (b) To take up the challenge of food self-sufficiency through the rational utilization of fishery resources, within the context of an integrated approach that would embrace all the components of the fishing sector;
- (c) To stimulate the national economic sectors through the direct and secondary effects resulting from fishery resources exploitation, bearing in mind the importance of the fisheries sector in the economic, social and nutritional development process of the people of the Region;
- (d) To enhance, coordinate and harmonize their efforts and capabilities for the purpose of conserving, exploiting, upgrading and marketing fishery resources, considering in particular fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one Party;
- (e) To reinforce solidarity with African land-locked States and geographically disadvantaged States of the Region.

Article 3
Conservation and management of fishery resources

1. Parties shall combine their efforts to ensure the conservation and rational management of their fishery resources and take concerted action for the assessment of fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one Party.
2. Parties shall establish and maintain an up-to-date inventory of human and material resources of the Region and shall conclude arrangements utilizing their complementary strengths in the area of fishery resources assessment.
3. Parties shall exchange scientific information regarding fishery resources, statistics relating to catch and fishing effort and other data relevant to the conservation and management of fish stocks with the objective of achieving their optimum utilization.
4. Parties shall endeavour to adopt harmonized policies concerning the conservation, management and exploitation of fishery resources, in particular with regard to the determination of catch quotas and, as appropriate, the adoption of joint regulation of fishing seasons.

Article 4

Assessment and conservation of highly migratory species

Parties undertake to exchange information on their activities regarding the assessment and conservation of highly migratory species and coordinate their actions in this area within the competent international organizations.

Article 5

Monitoring, surveillance and control of fishing vessels

Parties shall work and collaborate with all the means at their disposal, or which they may jointly acquire to ensure the monitoring, surveillance and control, including technical control, of fishing vessels operating in the Region.

Article 6

Development of fishery production and means of production

1. Parties shall give particular attention to development and upgrading of fishery production in all its forms so that the beneficial effects of fishing activity may contribute to the social and economic development of their people.

2. For the purpose of developing fishery production in the Region, Parties shall promote cooperation and encourage joint actions in the following priority areas:

- (a) The enhancement of the Region's capabilities with respect to freezing plants and fish processing facilities;
- (b) The modernization of means of production, particularly for artisanal fishing;
- (c) The promotion of undervalued or underexploited species;
- (d) The development of aquaculture and the utilization of technical improvements achieved in this area for the purpose of adapting it to the particular circumstances of the Region.

Article 7

Marketing of fishery products

1. Parties shall encourage the establishment of bilateral and multilateral cooperation in the marketing of fishery products so as to promote intra-African fish trade and to enhance the exporting capacities of Parties in the world market. To this end they undertake:

- (a) To inquire into their needs and capacities regarding fishery products;
- (b) To promote and harmonize laws and regulations concerning trade in fishery products;

- (c) To determine common positions regarding international trade in fishery products;
- (d) To promote the conclusion of bilateral or multilateral arrangements favouring, in particular, trade preferences and facilities for payment;
- (e) To identify and carry out measures capable of enhancing the quality image of fishery products of the Region.

2. Parties shall encourage meetings between operators from the fisheries sector in order to encourage the exchange of information on technological advances in fisheries and aquaculture and to promote the products of their respective fishing industries.

Article 8
Fisheries planning and financing

With a view to promoting the fisheries sector and its connected industries at the macro-economic level, Parties shall endeavour:

- (a) To reinforce specialized bodies and capabilities, in particular those relating to economic and social analysis, in order to determine the required policies and strategies for the rational management and planned development of the fisheries of the Region;
- (b) To promote specific financing mechanisms in line with the needs of the Region's fisheries sector, in the form of a system of maritime credit or other appropriate system.

Article 9
Social conditions of fishermen

Taking into account the vital role of the Region's fishermen in the development of artisanal and industrial fisheries, Parties agree to promote the improvement of their welfare, in particular with respect to professional standing and working conditions.

Article 10
Enhancement of vocational and technical training

In order to meet more effectively the specific needs of the fisheries sector in terms of persons qualified at sea and on shore, Parties shall:

- (a) Promote the establishment of regional cooperation in the field of maritime training that would encompass technical, scientific, economic and legal aspects relevant to the fisheries sector. Such training will take into account relevant international standards and regulations as well as the evolution of maritime technologies;
- (b) Encourage optimum use of the Region's training institutions so as to foster the exchange of trainers and students as well as the joint formulation of training programmes;
- (c) Collaborate in the establishment and updating of a directory of training institutions in the Region that would in particular indicate the requirements for admission to these institutions;

- (d) Promote a common regional maritime training policy that would cover all levels and activities of the fisheries sector and give particular consideration to the training of women.

Article 11

Development of marine scientific research

1. Parties shall encourage the exchange of experience in the field of marine scientific research with a view to promoting joint activities aiming at achieving better knowledge of the marine environment and its resources and, in due course, formulating fisheries management plans as well as improving fishing techniques or gears adapted to the specific needs of the Region.
2. Parties shall encourage the twinning of the Region's institutions so as to allow the exchange of scientists and the formulation of research programmes as well as the optimum use of vessels and other means of research.

Article 12

Protection and preservation of the marine environment

Parties shall intensify their efforts at the national, regional and international levels, directly or with the assistance of competent regional or international organizations, to ensure the protection and preservation of the marine environment as well as the management of coastal areas of the Region.

To this end, they shall promote the strengthening of bilateral, subregional and international cooperation mechanisms dealing with the protection and preservation of the marine environment and coastal areas as well as the intensification of their activities, while taking into account the relevant international standards and regulations on the subject.

Article 13

Harmonization of policies

Parties shall endeavour to harmonize their fisheries policies. To this end:

- (a) They shall adopt at the national level, laws and regulations to ensure proper implementation of the provisions of this Convention and its protocols;
- (b) They shall encourage the exchange of information on fisheries laws and regulations and methods of their implementation;
- (c) They agree to consult one another in international conferences on fisheries in order to harmonize their positions.

Article 14

Fisheries cooperation agreements

Parties shall encourage the conclusion of fisheries agreements between them on a preferential basis. Furthermore, they shall exchange their experience in the negotiation and conclusion of fisheries cooperation agreements with third parties.

Article 15
Maritime data and information bank

With a view to promoting the dissemination of scientific, economic, technical and legal data and information regarding the Region's fisheries, Parties shall collaborate in the establishment and operation of a data and information bank, in cooperation with relevant subregional, regional and international organizations.

Article 16
Solidarity with land-locked African States and with geographically disadvantaged States of the region

Parties affirm their solidarity with land-locked African States and with geographically disadvantaged States of the Region and shall establish active cooperation with them.

Article 17
Institutional framework

1. For the purpose of implementing this Convention and its protocols, Parties shall establish an institutional framework comprising the Conference of Ministers, the Bureau and the Secretariat.

- (a) The Conference of Ministers is the governing and decision-making body with respect to fisheries cooperation among the Parties. It shall determine the objectives and principles governing programmes and activities to be carried out under this Convention. It shall hold a regular session once every two years and a special session at the request of a majority of the Parties;
- (b) The Bureau is the coordinating organ of the Conference of Ministers;
- (c) The Secretariat is the executive organ.

2. The Conference of Ministers shall define the status of the above-mentioned organs.

3. Third States and competent governmental and non-governmental international organizations may be invited as observers to the sessions and meetings of the said organs.

Article 18
Budget

A regional fisheries development fund (RFDF) shall be established. Such fund shall be managed by the secretariat and the modalities concerning its establishment and operation shall be determined by the Conference of Ministers. The fund shall be used:

- (a) To cover the operating expenses of the secretariat;
- (b) To finance project and programme activities to be carried out under this Convention.

Article 19
Protocols

Parties shall prepare and adopt additional protocols establishing measures, procedures and standards for the purpose of clarifying and improving the methods by which the provisions of this Convention shall be implemented.

Article 20
Cooperation with other organizations

With a view to achieving the objectives of this Convention, Parties shall cooperate through all appropriate means with relevant subregional, regional and international organizations, as well as with any other concerned institution.

Article 21
Settlement of disputes

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with the Charter of the United Nations.

Article 22
Signature

This Convention shall remain open for signature by States of the Region with the Government of Senegal and also with the Depositary until 31 December 1992.

Article 23
Ratification, acceptance, approval and accession

This Convention shall be subject to ratification, acceptance or approval by States which have signed it and shall remain open for accession by other States of the Region in accordance with their respective procedures.

Article 24
Entry into force

This Convention shall enter into force thirty (30) days following the deposit with the Director General of the Food and Agriculture Organization of the United Nations of the seventh instrument of ratification, approval or accession.

For each of the States which ratifies the Convention or accedes after the deposit of the seventh instrument of ratification or accession, the Convention shall enter into force thirty (30) days after the deposit by that State of its instrument of its ratification or accession.

Article 25
Amendments

Any Party may propose amendments to this Convention and its protocols. Amendments shall be circulated to all Parties six (6) months prior to their consideration.

Amendments shall be adopted by a two-thirds majority of the Parties and shall enter into force ninety (90) days after their adoption.

Article 26
Denunciation

Five (5) years after the coming into force of the Convention any Party may denounce it, provided that it notifies to the Depository its intention to do so.

A denunciation shall take effect one year after receipt of this notification.

Article 27
Depository

1. This Convention shall be deposited with:

The Director General of the Food and Agriculture Organization of the United Nations who shall transmit certified true copies of this Convention to the Governments of States which have signed it.

2. The Depository shall notify:

- (a) Each new signatory of the Convention, and the deposit of an instrument of ratification, acceptance, approval or accession;
- (b) The date on which the Convention enters into force;
- (c) The date of coming into force of this Convention to proposals for amendments presented in accordance with article 25 and the date of coming into force of amendments adopted;
- (d) The intention to denounce this Convention in accordance with article 26 together with the date on which the denunciation takes effect.

Article 28
Languages

This Convention is established in a single original in the English and French languages, each text being equally authentic.

A certified true copy of this Convention shall be transmitted to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

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

DONE in Dakar this 5th day of July 1991.

3. Bilateral treaties and instruments

- (a) Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland concerning the Delimitation of Areas of the Continental Shelf between the Two Countries of 7 November 1988 ^{1/}

[Original: English]

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland,

Wishing to open up further opportunities for their respective offshore petroleum and related industries by establishing boundaries between their respective parts of the continental shelf,

Have agreed as follows:

Article 1

IRISH SEA AND SOUTH-WEST AREA

(1) The boundary between the parts of the continental shelf which appertain to the United Kingdom and the Republic of Ireland, respectively, in the area south of latitude 53°39' North shall be a line composed of parallels of latitude and meridians of longitude joining, in the sequence given in Schedule A to this Agreement, the points set out in that Schedule.

(2) This line, described as "Line A", has been drawn by way of illustration on Map A annexed to this Agreement.

Article 2

NORTH-WEST AREA

(1) The boundary between the parts of the continental shelf which appertain to the United Kingdom and the Republic of Ireland, respectively, in the area west of longitude 6°45' West shall be a line composed of parallels of latitude and meridians of longitude joining, in the sequence given in Schedule B to this Agreement, the points set out in that Schedule.

(2) This line, described as "Line B", has been drawn by way of illustration on Map B annexed to this Agreement.

^{1/} Entered into force on 11 January 1990.

Article 3

CROSS-BOUNDARY FIELDS

If any oil, gas or condensate field extends across Line A or Line B and the part of such field which is situated on one side of the line is exploitable, wholly or in part, from the other side of the line, the two Governments shall make determined efforts to reach agreement as to the exploitation of such field.

Article 4

CONTINENTAL MARGIN

Nothing in this Agreement affects the position of either Government concerning the location of the outer edge of its continental margin.

Article 5

ENTRY INTO FORCE

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

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

DONE in two originals at Dublin this 7th day of November, 1988.

Schedule A

<u>Position</u>	<u>Latitude</u>	<u>Longitude</u>
1	53°39'.00 N	5°17'.00 W
2	53°32'.00 N	5°17'.00 W
3	53°32'.00 N	5°19'.00 W
4	53°26'.00 N	5°19'.00 W
5	53°26'.00 N	5°20'.00 W
6	53°09'.00 N	5°20'.00 W
7	53°09'.00 N	5°19'.00 W
8	52°59'.00 N	5°19'.00 W
9	52°59'.00 N	5°22'.50 W
10	52°52'.00 N	5°22'.50 W
11	52°52'.00 N	5°24'.50 W
12	52°44'.00 N	5°24'.50 W
13	52°44'.00 N	5°28'.00 W
14	52°32'.00 N	5°28'.00 W
15	52°32'.00 N	5°22'.80 W
16	52°24'.00 N	5°22'.80 W
17	52°24'.00 N	5°35'.00 W
18	52°16'.00 N	5°35'.00 W
19	52°16'.00 N	5°39'.00 W
20	52°12'.00 N	5°39'.00 W
21	52°12'.00 N	5°42'.00 W
22	52°08'.00 N	5°42'.00 W
23	52°08'.00 N	5°46'.00 W
24	52°04'.00 N	5°46'.00 W
25	52°04'.00 N	5°50'.00 W
26	52°00'.00 N	5°50'.00 W
27	52°00'.00 N	5°54'.00 W
28	51°58'.00 N	5°54'.00 W
29	51°58'.00 N	5°57'.00 W
30	51°54'.00 N	5°57'.00 W
31	51°54'.00 N	6°00'.00 W
32	51°50'.00 N	6°00'.00 W
33	51°50'.00 N	6°06'.00 W
34	51°40'.00 N	6°06'.00 W
35	51°40'.00 N	6°18'.00 W
36	51°30'.00 N	6°18'.00 W
37	51°30'.00 N	6°33'.00 W
38	51°20'.00 N	6°33'.00 W
39	51°20'.00 N	6°42'.00 W
40	51°10'.00 N	6°42'.00 W
41	51°10'.00 N	6°48'.00 W
42	51°00'.00 N	6°48'.00 W
43	51°00'.00 N	7°03'.00 W
44	50°50'.00 N	7°03'.00 W
45	50°50'.00 N	7°12'.00 W
46	50°40'.00 N	7°12'.00 W
47	50°40'.00 N	7°36'.00 W
48	50°30'.00 N	7°36'.00 W
49	50°30'.00 N	8°00'.00 W
50	50°20'.00 N	8°00'.00 W

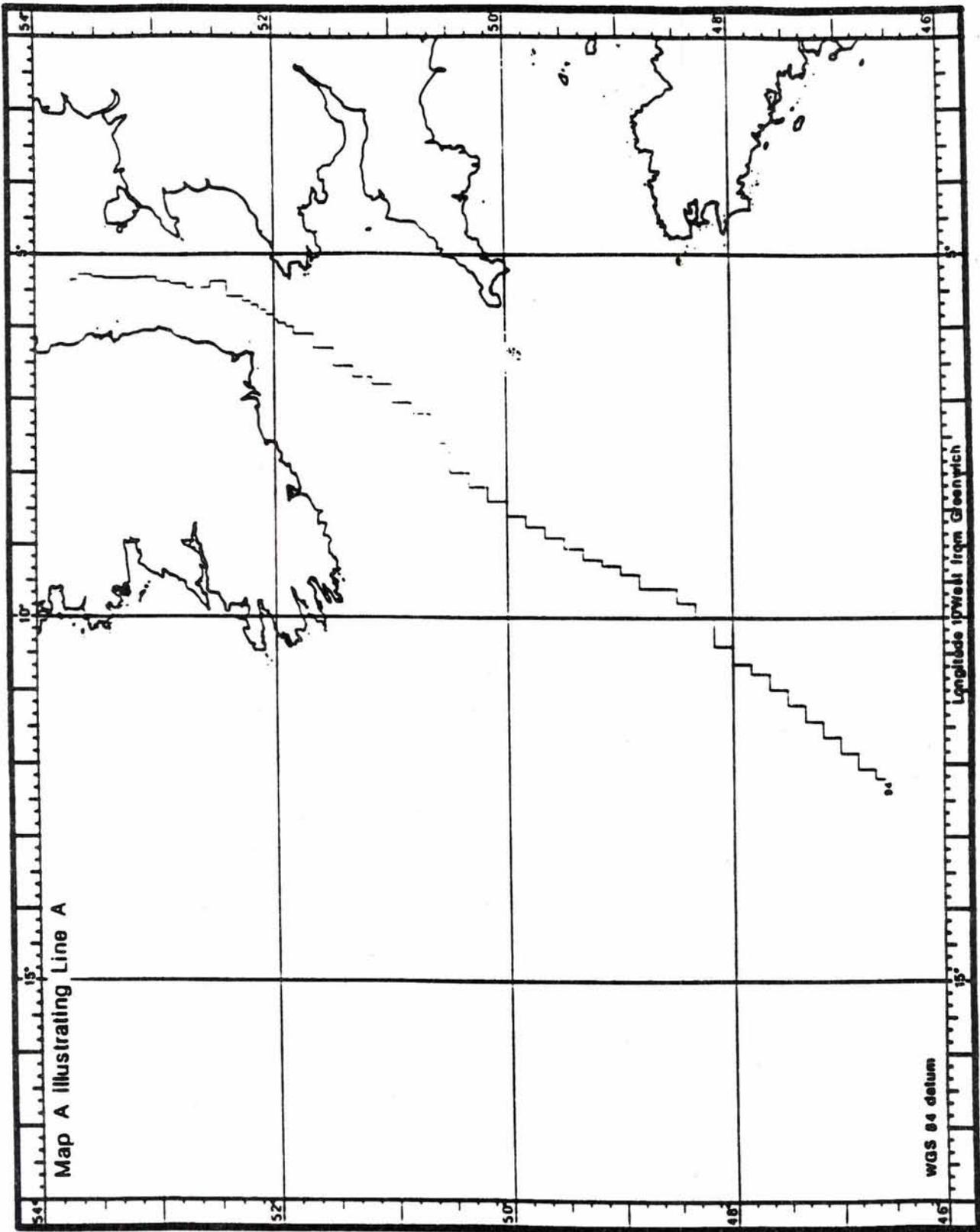
51	50°20'.00 N	8°12'.00 W
52	50°10'.00 N	8°12'.00 W
53	50°10'.00 N	8°24'.00 W
54	50°00'.00 N	8°24'.00 W
55	50°00'.00 N	8°36'.00 W
56	49°50'.00 N	8°36'.00 W
57	49°50'.00 N	8°45'.00 W
58	49°40'.00 N	8°45'.00 W
59	49°40'.00 N	8°54'.00 W
60	49°30'.00 N	8°54'.00 W
61	49°30'.00 N	9°03'.00 W
62	49°20'.00 N	9°03'.00 W
63	49°20'.00 N	9°12'.00 W
64	49°10'.00 N	9°12'.00 W
65	49°10'.00 N	9°17'.00 W
66	49°00'.00 N	9°17'.00 W
67	49°00'.00 N	9°24'.00 W
68	48°50'.00 N	9°24'.00 W
69	48°50'.00 N	9°36'.00 W
70	48°30'.00 N	9°36'.00 W
71	48°30'.00 N	9°48'.00 W
72	48°20'.00 N	9°48'.00 W
73	48°20'.00 N	10°00'.00 W
74	48°10'.00 N	10°00'.00 W
75	48°10'.00 N	10°24'.00 W
76	48°00'.00 N	10°24'.00 W
77	48°00'.00 N	10°38'.00 W
78	47°50'.00 N	10°38'.00 W
79	47°50'.00 N	10°46'.00 W
80	47°40'.00 N	10°46'.00 W
81	47°40'.00 N	10°59'.00 W
82	47°30'.00 N	10°59'.00 W
83	47°30'.00 N	11°12'.00 W
84	47°20'.00 N	11°12'.00 W
85	47°20'.00 N	11°25'.00 W
86	47°10'.00 N	11°25'.00 W
87	47°10'.00 N	11°38'.00 W
88	47°00'.00 N	11°38'.00 W
89	47°00'.00 N	11°51'.00 W
90	46°50'.00 N	11°51'.00 W
91	46°50'.00 N	12°04'.00 W
92	46°40'.00 N	12°04'.00 W
93	46°40'.00 N	12°12'.00 W
94	46°34'.00 N	12°12'.00 W

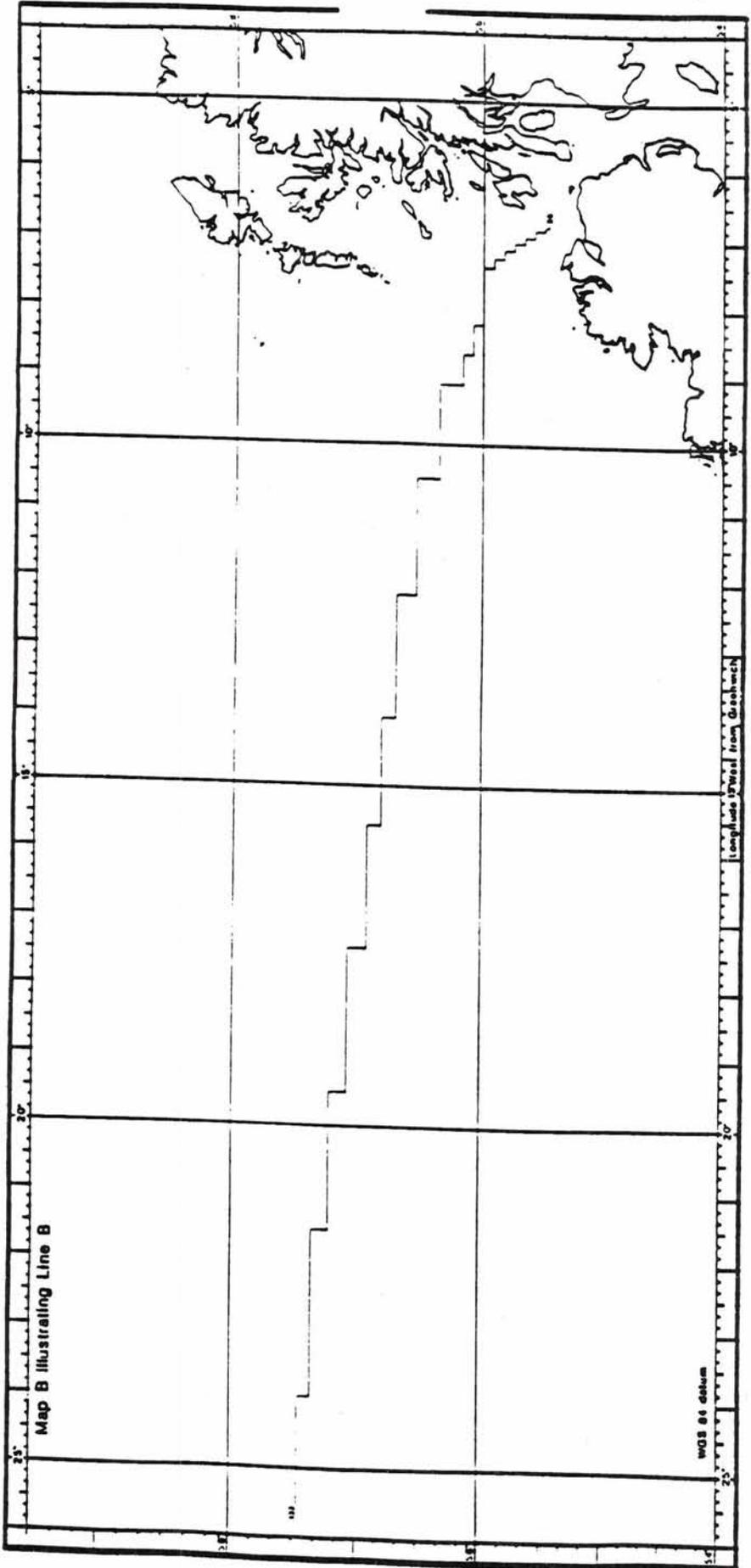
The positions of points 1 to 94 are defined by coordinates of latitude and longitude on World Geodetic System 1984 datum (WGS 84).

Schedule B

<u>Position</u>	<u>Latitude</u>	<u>Longitude</u>
95	55°28'.00 N	6°45'.00 W
96	55°28'.00 N	6°48'.00 W
97	55°30'.00 N	6°48'.00 W
98	55°30'.00 N	6°51'.00 W
99	55°35'.00 N	6°51'.00 W
100	55°35'.00 N	6°57'.00 W
101	55°40'.00 N	6°57'.00 W
102	55°40'.00 N	7°02'.00 W
103	55°45'.00 N	7°02'.00 W
104	55°45'.00 N	7°08'.00 W
105	55°50'.00 N	7°08'.00 W
106	55°50'.00 N	7°15'.00 W
107	55°55'.00 N	7°15'.00 W
108	55°55'.00 N	7°23'.00 W
109	56°00'.00 N	7°23'.00 W
110	56°00'.00 N	8°13'.00 W
111	56°05'.00 N	8°13'.00 W
112	56°05'.00 N	8°39'.50 W
113	56°10'.00 N	8°39'.50 W
114	56°10'.00 N	9°07'.00 W
115	56°21'.50 N	9°07'.00 W
116	56°21'.50 N	10°30'.00 W
117	56°32'.50 N	10°30'.00 W
118	56°32'.50 N	12°12'.00 W
119	56°42'.00 N	12°12'.00 W
120	56°42'.00 N	14°00'.00 W
121	56°49'.00 N	14°00'.00 W
122	56°49'.00 N	15°36'.00 W
123	56°56'.00 N	15°36'.00 W
124	56°56'.00 N	17°24'.00 W
125	57°05'.50 N	17°24'.00 W
126	57°05'.50 N	19°30'.00 W
127	57°14'.00 N	19°30'.00 W
128	57°14'.00 N	21°32'.00 W
129	57°22'.00 N	21°32'.00 W
130	57°22'.00 N	23°57'.40 W
131	57°28'.00 N	23°57'.40 W
132	57°28'.00 N	25°31'.50 W

The position of points 95 to 132 are defined by coordinates of latitude and longitude on World Geodetic System 1984 datum (WGS 84).





(b) Joint Statement by the United States of America and the
Union of Soviet Socialist Republics of 23 September 1989

[Original: English/Russian]

Since 1986, representatives of the United States of America and the Union of Soviet Socialist Republics have been conducting friendly and constructive discussions of certain international legal aspects of traditional uses of the oceans, in particular, navigation.

The Governments are guided by the provisions of the 1982 United Nations Convention on the Law of the Sea, which, with respect to traditional uses of the oceans, generally constitute international law and practice and balance fairly the interests of all States. They recognize the need to encourage all States to harmonize their internal laws, regulations and practices with those provisions.

The Governments consider it useful to issue the attached Uniform Interpretation of the Rules of International Law Governing Innocent Passage. Both Governments have agreed to take the necessary steps to conform their internal laws, regulations and practices with this understanding of the rules.

Signed at Jackson Hole, Wyoming, on 23 September 1989.

Uniform Interpretation of Norms of International Law
Governing Innocent Passage

1. The relevant rules of international law governing innocent passage of ships in the territorial sea are stated in the 1982 United Nations Convention on the Law of the Sea (Convention of 1982), particularly in Part II, Section 3.

2. All ships, including warships, regardless of cargo, armament or means of propulsion, enjoy the right of innocent passage through the territorial sea in accordance with international law, for which neither prior notification nor authorization is required.

3. Article 19 of the Convention of 1982 sets out in paragraph 2 an exhaustive list of activities that would render passage not innocent. A ship passing through the territorial sea that does not engage in any of those activities is in innocent passage.

4. A coastal State which questions whether the particular passage of a ship through its territorial sea is innocent shall inform the ship of the reason why it questions the innocence of the passage, and provide the ship an opportunity to clarify its intentions or correct its conduct in a reasonably short period of time.

5. Ships exercising the right of innocent passage shall comply with all laws and regulations of the coastal State adopted in conformity with relevant rules of international law as reflected in articles 21, 22, 23 and 25 of the Convention of 1982. These include the laws and regulations requiring ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may prescribe where needed to protect safety of navigation. In areas where no such sea lanes or traffic separation schemes have been prescribed, ships nevertheless enjoy the right of innocent passage.

6. Such laws and regulations of the coastal State may not have the practical effect of denying or impairing the exercise of the right of innocent passage as set forth in article 24 of the Convention of 1982.

7. If a warship engages in conduct which violates such laws or regulations or renders its passage not innocent and does not take corrective action upon request, the coastal State may require it to leave the territorial sea, as set forth in article 30 of the Convention of 1982. In such case the warship shall do so immediately.

8. Without prejudice to the exercise of rights of coastal and flag States, all differences which may arise regarding a particular case of passage of ships through the territorial sea shall be settled through diplomatic channels or other agreed means.

(c) Joint Declaration by the Government of the United Kingdom
of Great Britain and Northern Ireland and
the Government of the French Republic of
2 November 1988 1/

On the occasion of the signature of the Agreement relating to the delimitation of the territorial sea in the Straits of Dover, 2/ the two Governments agreed on the following declaration:

The existence of a specific regime of navigation in straits is generally accepted in the current state of international law. The need for such a regime is particularly clear in straits, such as the Straits of Dover, used for international navigation and linking two parts of the high seas or economic zones in the absence of any other route of similar convenience with respect to navigation.

In consequence, the two Governments recognize rights of unimpeded transit passage for merchant vessels, State vessels and, in particular, warships following their normal mode of navigation, as well as the right of overflight for aircraft, in the Straits of Dover. It is understood that, in accordance with the principles governing this regime under the rules of international law, such passage will be exercised in a continuous and expeditious manner.

The two Governments will continue to cooperate closely, both bilaterally and through the International Maritime Organization, in the interests of ensuring the safety of navigation in the Straits of Dover, as well as in the southern North Sea and the Channel. In particular, the traffic separation scheme in the Straits of Dover will not be affected by the entry into force of the Agreement.

With due regard to the interests of the coastal States the two Governments will also take, in accordance with international agreements in force and generally accepted rules and regulations, measures necessary in order to prevent, reduce and control pollution of the marine environment by vessels.

1/ United Kingdom Foreign and Commonwealth Office Press Release No. 100 of 2 November 1988.

2/ For the text of the Agreement see Bulletin No. 13 of May 1989, p. 45.

(d) Agreement between the Government of the Federal Republic of Germany and the Government of the Union of Soviet Socialist Republics concerning the Prevention of Incidents at Sea outside Territorial Waters of 25 October 1988

The Government of the Federal Republic of Germany and the Government of the Union of Soviet Socialist Republics,

Desiring to ensure the safety of navigation of ships of their respective armed forces, and of the flight of their military aircraft outside territorial waters,

Desiring, in accordance with the wish expressed in the Treaty of 12 August 1970 between the Federal Republic of Germany and the Union of Soviet Socialist Republics, to contribute to the strengthening of peace and security in Europe and throughout the world,

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

Guided by the principles and rules of international law,

Have agreed as follows:

Article 1

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

1. "Ship" means:

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

(b) An auxiliary vessel belonging to the armed forces of one of the Parties and authorized to fly the auxiliary vessel flag where such a flag has been established by the Party concerned;

2. "Aircraft" means any military manned aircraft, excluding spacecraft;

3. "Formation" means an ordered arrangement of two or more ships operating together.

Article 2

The Parties shall take measures to instruct the commanding officers of ships to observe the letter and spirit of the 1972 International Regulations for Preventing Collisions at Sea (hereinafter referred to as the 1972 Collision Regulations). The Parties recognize that freedom to conduct operations outside territorial waters is based on the principles recognized in international law, particularly as set forth in the 1958 Geneva Convention on the High Seas.

Article 3

1. Except when required to maintain course and speed under the 1972 Collision Regulations, ships of the Parties operating in proximity to each other shall in all cases remain well clear to avoid risk of collision.
2. Ships meeting or operating in the vicinity of a formation of the other Party shall, [in compliance with the 1972 Collision Regulations,] avoid manoeuvring in a manner which would hinder the evolutions of the formation.
3. With due regard for other traffic at sea, formations of the Parties shall not conduct manoeuvres in areas where internationally recognized traffic separation schemes are in effect.
4. Ships engaged in surveillance of ships of the other Party shall remain at a distance which avoids the risk of collision and shall also avoid executing manoeuvres which might embarrass or endanger the ships of the other Party. Except when required to maintain course and speed under the 1972 Collision Regulations, a ship engaged in surveillance shall, in the exercise of good seamanship, take positive early action so as not to embarrass or endanger the ships under surveillance.
5. Ships of the two Parties operating within sight of each other shall, in order to indicate their operations and intentions, use the signals (flag, sound and light) provided for in the 1972 Collision Regulations, the International Code of Signals and the Table of Special Signals annexed to this Agreement. At night or in conditions of reduced visibility, or under such conditions of lighting and at such distances that signal flags are undistinguishable, a flashing light or Very High Frequency Radio Channel 16 (156.8 MHz) should be used.
6. Ships of the Parties shall not simulate attacks by aiming guns, missile launchers or torpedo tubes or other weapons at ships or aircraft of the other Party; nor launch any object in the direction of passing ships or aircraft of the other Party in such a manner as to be hazardous to those ships or aircraft or to constitute a hazard to navigation or aircraft in flight; nor use searchlights or other powerful illumination devices for the purpose of illuminating the navigation bridges of ships of the other Party.

Such actions shall also not be taken by ships of each Party in respect of non-military ships of the other Party.
7. When conducting exercises with submerged submarines, supporting ships shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals annexed to this Agreement, to warn other ships of the presence of submarines in the area.
8. Ships of one Party when approaching ships of the other Party which, in accordance with rule 3 (g) of the 1972 Collision Regulations, are restricted in their ability to manoeuvre, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment under way, shall take appropriate measures not to hinder manoeuvres of such ships and shall remain well clear.

Article 4

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

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

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

Article 5

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

Article 6

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

Article 7

The Parties shall, without delay, exchange appropriate information concerning instances of collisions, incidents which result in damage, and other incidents at sea between ships and aircraft of the Parties. The Navy of the Federal Republic of Germany shall provide such information through the Naval Attaché or other Military Attaché of the Union of Soviet Socialist Republics in Bonn, and the Navy of the Union of Soviet Socialist Republics shall provide such information through the Naval Attaché or other Military Attaché of the Federal Republic of Germany in Moscow.

Article 8

This Agreement with the Annex thereto shall enter into force one month after its signature. It may be terminated by either Party giving six months' written notice of termination to the other Party.

Article 9

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms and possible ways of further improving the safety of navigation of their ships and flight of their aircraft. Similar consultations shall be held thereafter annually or at more frequent intervals should one of the Parties deem it desirable.

DONE at Moscow on 25 October 1988 in two original copies, each in the German and Russian languages, both texts being equally authentic.

Annex to the Agreement between the Government of the Federal Republic
of Germany and the Government of the Union of Soviet Socialist
Republics concerning the Prevention of Incidents at Sea
outside Territorial Waters

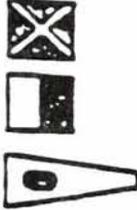
Table of special signals*

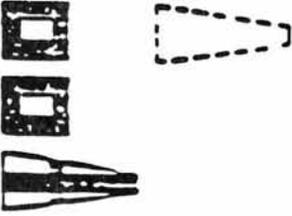
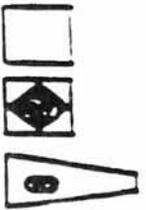
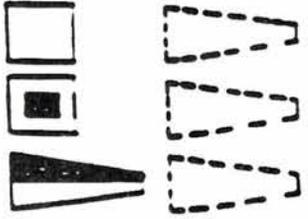


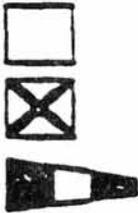
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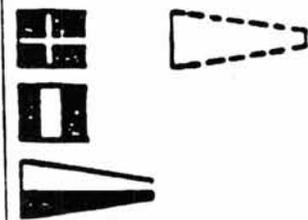
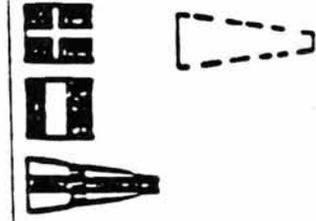
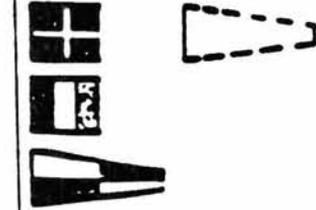
<u>S I G N A L</u>		<u>Meaning of signals</u>
1	2	3
IR1		I am engaged in oceanographic work.
IR2(...)		I am streaming/ towing hydrographic survey equipment ... metres astern.
IR3		I am recovering hydrographic survey equipment.

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

<u>S I G N A L</u>		<u>Meaning of signals</u>
1	2	3
IR4		<p>I am conducting salvage operations.</p>
JH1		<p>I am attempting to retract a grounded vessel.</p>
MH1		<p>Request you not cross my course ahead of me.</p>
NB1(...)		<p>I have my unattached hydrographic survey equipment bearing in a direction from me as indicated ... (Table 3 of ICS).</p>
PJ1		<p>I am unable to alter course to my starboard.</p>

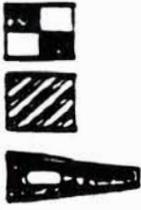
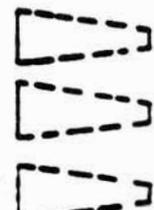
<u>S I G N A L</u>		<u>Meaning of signals</u>
1	2	3
PJ2		<p>I am unable to alter course to my port.</p>
PJ3		<p>Caution. I have a steering casualty.</p>
PP8(...)		<p>Dangerous operations in progress. Request you keep clear of the direction indicated from me ... (Table 3 of ICS).</p>
QF1		<p>Caution. I have stopped the engines.</p>
QS6(...)		<p>I am proceeding to anchorage on course ...</p>

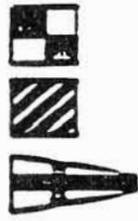
S I G N A L		Meaning of signals
1	2	3
QV2		<p>I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.</p>
QV3		<p>I am anchored in deep water with hydrographic survey equipment streamed.</p>
RT2		<p>I intend to pass you on your port side.</p>
RT3		<p>I intend to pass you on your starboard side.</p>
RT4		<p>I will overtake you on your port side.</p>

S I G N A L		Meaning of signals
1	2	3
RT5		I will overtake you on your starboard side.
RT6(...)		I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me ... (Table 3 of ICS).
RT7(...)		I shall approach your ship on starboard side to a distance of ... 100s of metres (yards).
RT8(...)		I shall approach your ship on port side to a distance of 100s ... of metres (yards).
RT9(...)		I shall cross astern at a distance of ... 100s of metres (yards).

<u>S I G N A L</u>		<u>Meaning of signals</u>
1	2	3
RU2 (...)		I am beginning a port turn in approximately ... minutes.
RU3 (...)		I am beginning a starboard turn in approximately ... minutes.
RU4		The formation is preparing to alter course to port.
RU5		The formation is preparing to alter course to starboard.
RU6		I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.

S I G N A L		Meaning of signals
1	2	3
RU7		I am preparing to submerge.
RU8		A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2		Request your course, speed and passing intention.
TX1		I am engaged in fisheries patrol.
UY1(...)		I am preparing to launch/recover aircraft on course ...

S I G N A L		Meaning of signals
1	2	3
UY2(...)	 	<p>I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me ... (Table 3 of ICS).</p>
UY3(...)	 	<p>I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me ... (Table 3 of ICS).</p>
UY4		<p>I am preparing to conduct/am conducting operations employing explosive charges.</p>
UY5(...)	 	<p>I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated ... (Table 3 of ICS).</p>
UY6(...)	 	<p>I am preparing to conduct/am conducting underway replenishment on course. ... Request you remain clear.</p>

S I G N A L		Meaning of signals
1	2	3
UY7		I am preparing to conduct extensive small-boat and ship-to-shore amphibious training operations.
UY8		I am manoeuvring to launch/recover landing craft/boats.
UY9		I am preparing to conduct/am conducting helicopter operations over my stern.
UY10		I am checking gunnery systems.*

*• These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.

<u>S I G N A L</u>		<u>Meaning of signals</u>
1	2	3
UY11		<p>I am checking rocket systems.*</p>
UY12(...)		<p>I am preparing to conduct/I am conducting/gunnery exercises/bombing/by aircraft of the towed target. Request you keep clear of the direction indicated from me ... (Table 3 of ICS).</p>
ZL1		<p>I have received and understood your signal.</p>
ZL2		<p>Do you understand? Request acknowledgement.</p>

* These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.

(e) Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the French Republic concerning the Prevention of Incidents at Sea outside Territorial Waters of 4 July 1989

The Government of the Union of Soviet Socialist Republics and the Government of the French Republic (hereinafter referred to as "the Parties"),

Desiring to ensure the safety of navigation of ships of their respective armed forces and of the flight of their military aircraft outside territorial waters,

Guided therein by the principles and rules of international law,

Have agreed as follows:

Article I

For the purposes of this Agreement:

1. "Ship" means:

(a) A warship belonging to the armed forces of one of the Parties bearing the external marks distinguishing warships of its nationality, under the command of a naval officer of that Party whose name appears in the service list or an equivalent document, and manned by a crew which is under regular military discipline;

(b) An auxiliary vessel belonging to the armed forces of one of the Parties and authorized to fly the auxiliary vessel flag where such a flag has been established by the Party concerned.

2. "Aircraft" means any military manned aircraft;

3. "Formation" means an ordered arrangement of two or more ships operating and manoeuvring together;

4. The expression "Collision Regulations" means the International Regulations for Preventing Collisions at Sea annexed to the Convention on the International Regulations for Preventing Collisions at Sea, signed at London on 20 October 1972.

Article II

The Parties shall take measures to instruct the commanding officers of their respective ships rigorously to observe strictly the spirit and letter of the Collision Regulations.

The Parties recognize that freedom to conduct operations outside territorial waters is based on established and recognized principles and rules of international law.

Article III

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

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

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

4. Ships of one Party engaged in surveillance of ships of the other Party shall remain at a distance which avoids the risk of collision and shall also avoid executing manoeuvres which might embarrass or endanger the ships under surveillance. Except when required to maintain course and speed under the Collision Regulations, a ship engaged in surveillance shall take positive early action so as not to embarrass or endanger the ships under surveillance.

5. Ships of the two Parties operating within sight of each other shall, in order to indicate their operations and intentions, use the signals (flag, sound and light) provided for in the Collision Regulations, the International Code of Signals and the Table of Special Signals annexed to the present Agreement. At night, or during the day in conditions of reduced visibility, or under such conditions of lighting and at such distances that signal flags are undistinguishable, a flashing light or VHF radio channel 16 (156.8 MHz) shall be used.

6. Ships of the Parties:

(a) shall not simulate attacks by aiming guns, missile launchers or torpedo tubes or other weapons at ships or aircraft of the other Party;

(b) shall not launch any object in the direction of ships of the other Party in such a manner as to be hazardous to those ships or to constitute a hazard to navigation;

(c) shall not use searchlights or other illumination devices for the purpose of illuminating the navigation bridges of ships or the cockpit of airborne aircraft of the other Party;

(d) shall not use lasers in such a manner as to constitute a hazard to the health of the crew or cause damage to the equipment on board a ship or aircraft of the other Party;

(e) shall not launch signal rockets in the direction of the ships or aircraft of the other Party.

7. When conducting exercises with submerged submarines, the supporting ships of one Party shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals annexed to the present Agreement, to warn other ships of the presence of submarines in the area.

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

Article IV

1. Commanders of aircraft of the Parties shall exercise the greatest caution in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit:

(a) simulated attacks or the simulated use of weapons against ships and aircraft of the other Party;

(b) the performance of aerobatics over ships of the other Party;

(c) the dropping of any objects near ships of the other Party in such a manner as to be hazardous to them or hinder navigation.

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

Article V

Actions which ships and aircraft are prohibited from undertaking under this Agreement shall not be taken in respect of non-military ships of the Parties.

Article VI

The Parties shall provide through warnings to mariners, normally three to five days in advance, notification of actions by their ships or aircraft outside territorial waters which might represent a danger to navigation or to aircraft in flight.

Article VII

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

Article VIII

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

Article IX

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms and possible ways of further improving the safety of navigation of their ships and flight of their aircraft outside territorial waters. Similar consultations shall be held thereafter as deemed necessary, at least once every two years.

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

DONE at Paris on 4 July 1989 in duplicate, in the Russian and French languages, both texts being equally authentic.

Table of special signals 1/

The following signals are to be preceded by code group YVI:

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
IR1	I am engaged in oceanographic work.
IR2(...)	I am streaming/ towing hydrographic survey equipment ... metres astern.
IR3	I am recovering hydrographic survey equipment.
IR4	I am conducting salvage operations.
JH1	I am attempting to retract a grounded vessel.
MH1	Request you not cross my course ahead of me.

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

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
NB1(...)	I have my unattached hydrographic survey equipment bearing in a direction from me as indicated ... (table 3 of ICS). <u>2/</u>
PJ1	I am unable to alter course to my starboard.
PJ2	I am unable to alter course to my port.
PJ3	Caution, I have a steering casualty.
PP8(...)	Dangerous operations in progress. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
QF1	Caution, I have stopped the engines.
QS6(...)	I am proceeding to anchorage on course ...

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
QV2	I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.
QV3	I am anchored in deep water with hydrographic survey equipment streamed.
RT2	I intend to pass you on your port side.
RT3	I intend to pass you on your starboard side.
RT4	I will overtake you on your port side.
RT5	I will overtake you on your starboard side.
RT6(...)	I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RT7(...)	I shall approach your ship on starboard side to a distance of ... 100s of metres (yards).
RT8(...)	I shall approach your ship on port side to a distance of ... 100s of metres (yards).
RT9(...)	I shall cross astern at a distance of ... 100s of metres (yards).
RU2(...)	I am beginning a port turn in approximately ... minutes.
RU3(...)	I am beginning a starboard turn in approximately ... minutes.
RU4	The formation is preparing to alter course to port.
RU5	The formation is preparing to alter course to starboard.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RU6	I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.
RU7	I am preparing to submerge.
RU8	A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2	Request your course, speed and passing intention.
TX1	I am engaged in fisheries patrol.
UY1(...)	I am preparing to launch/recover aircraft on course ...
UY2(...)	I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY3(...)	I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
UY4	I am preparing to conduct/am conducting operations employing explosive charges.
UY5(...)	I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated ... (table 3 of ICS).
UY6(...)	I am preparing to conduct/am conducting under-way replenishment on course ... Request you remain clear.
UY7	I am preparing to conduct extensive small-boat and ship-to-shore amphibious training operations.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY8	I am manoeuvring to launch/recover landing craft/boats.
UY9	I am preparing to conduct/am conducting helicopter operations over my stern.
UY10	I am checking gunnery systems. <u>3/</u>
UY11	I am checking rocket systems. <u>3/</u>
UY12(...)	I am preparing to conduct/I am conducting/gunnery exercises/bombing by aircraft of the towed target. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
ZL1	I have received and understood your signal.
ZL2	Do you understand? Request acknowledgement.

3/ These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.

(f) Agreement between the Government of the Italian Republic and the Government of the Union of Soviet Socialist Republics concerning the Prevention of Incidents at Sea outside Territorial Waters of 30 November 1989 1/

The Government of the Italian Republic and the Government of the Union of Soviet Socialist Republics (hereinafter referred to as "the Parties"),

Desiring to ensure the safety of navigation of ships of their respective armed forces, and of the flight of their military aircraft outside territorial waters,

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

Guided by the principles and rules of international law,

Have agreed as follows:

Article I

1. For the purposes of this Agreement:

(a) "Ship" means:

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

(ii) An auxiliary vessel belonging to the armed forces of one of the Parties and authorized to fly the auxiliary vessel flag where such a flag has been established by the Party concerned;

(b) "Aircraft" means any military manned heavier-than-air and lighter-than-air aircraft, excluding spacecraft;

(c) "Formation" means an ordered arrangement of two or more ships operating together.

2. This Agreement shall apply to ships and aircraft operating outside territorial waters.

1/ Entered into force on 30 December 1989.

Article II

The Parties shall take measures to instruct the commanding officers of ships to observe strictly the letter and spirit of the International Regulations for Preventing Collisions at Sea (hereinafter referred to as "the Collision Regulations"), which are annexed to the Convention on the International Regulations for Preventing Collisions at Sea, signed at London on 20 October 1972. The Parties recognize that freedom to conduct operations outside territorial waters is based on the principles recognized in international law.

Article III

1. Except when required to maintain course and speed under the Collision Regulations, ships of the Parties operating in proximity to each other shall in all cases remain well clear to avoid risk of collision.
2. Ships meeting or operating in the vicinity of a formation of the other Party shall, in compliance with the Collision Regulations, avoid manoeuvring in a manner which would hinder the evolutions of the formation.
3. Formations shall not conduct manoeuvres in areas of heavy traffic where internationally recognized traffic separation schemes are in effect.
4. Ships of one Party engaged in surveillance of ships of the other Party shall remain at a distance which avoids the risk of collision and shall also avoid executing manoeuvres which might embarrass or endanger the ships of the other Party which are under surveillance. Except when required to maintain course and speed under the Collision Regulations, a ship engaged in surveillance shall, in the exercise of good seamanship, take positive early action so as not to embarrass or endanger the ships under surveillance.
5. Ships of the two Parties operating within sight of each other shall, in order to indicate their operations and intentions, use the signals (flag, sound and light) provided for in the Collision Regulations, the International Code of Signals and the Table of Special Signals annexed to this Agreement. At night or in conditions of reduced visibility, or under such conditions of lighting and at such distances that signal flags are undistinguishable, a flashing light or VHF Radio Channel 16 (156.8 MHz) should be used.
6. Ships of the Parties:
 - (a) shall not simulate attacks by aiming guns, missile launchers or torpedo tubes or other weapons at ships or aircraft of the other Party;
 - (b) shall not launch any object in the direction of ships of the other Party in such a manner as to be hazardous to those ships or to constitute a hazard to navigation;
 - (c) shall not use searchlights or other illumination devices for the purpose of illuminating the navigation bridges of ships or the cockpits of airborne aircraft of the other Party;

(d) shall not use lasers in such a manner as to constitute a hazard to the health of the crew or cause damage to the equipment on board a ship or aircraft of the other Party;

(e) shall not launch signal rockets in the direction of the ships or aircraft of the other Party.

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

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

Article IV

1. Commanders of aircraft of the Parties shall exercise the greatest caution and prudence in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit:

(a) simulated attacks or the simulated use of weapons against ships and aircraft of the other Party;

(b) the performance of aerobatics over ships of the other Party;

(c) the dropping of any objects near ships of the other Party in such a manner as to be hazardous to them or hinder navigation.

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

Article V

1. Actions which ships and aircraft are prohibited from undertaking under this Agreement shall likewise not be taken in respect of non-military ships and aircraft of the other Party.

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

Article VI

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

Article VII

1. The Parties shall exchange in a timely manner appropriate information concerning instances of collisions, incidents which result in damage and other incidents at sea between ships and aircraft of the Parties. The Italian Navy shall provide such information through the Naval Attaché or other Military Attaché of the Union of Soviet Socialist Republics in Rome, and the Navy of the Union of Soviet Socialist Republics shall provide such information through the Naval Attaché or other Military Attaché of the Italian Republic in Moscow.
2. The procedure outlined in paragraph 1 of this article shall also be used by the Parties to exchange information on other incidents at sea whenever immediate receipt of such information is deemed important by the other Party.

Article VIII

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

Article IX

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms and possible ways of further improving the safety of navigation of their ships and flight of their aircraft outside territorial waters. Similar consultations shall be held thereafter annually or at more frequent intervals, as may be agreed between the Parties.

DONE at Rome on 30 November 1989 in duplicate, in the Italian and Russian languages, both texts being equally authentic.

ANNEX

Table of special signals 1/

The following signals are to be preceded by code group YVI:

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
IR1	I am engaged in oceanographic work.
IR2(...)	I am streaming/ towing hydrographic survey equipment ... metres astern.
IR3	I am recovering hydrographic survey equipment.
IR4	I am conducting salvage operations.
JH1	I am attempting to retract a grounded vessel.
MH1	Request you not cross my course ahead of me.

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

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
NB1(...)	I have my unattached hydrographic survey equipment bearing in a direction from me as indicated ... (table 3 of ICS). <u>2/</u>
PJ1	I am unable to alter course to my starboard.
PJ2	I am unable to alter course to my port.
PJ3	Caution, I have a steering casualty.
PP8(...)	Dangerous operations in progress. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
QF1(...)	Caution, I have stopped the engines.
QS6(...)	I am proceeding to anchorage on course ...

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
QV2	I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.
QV3	I am anchored in deep water with hydrographic survey equipment streamed.
RT2	I intend to pass you on your port side.
RT3	I intend to pass you on your starboard side.
RT4	I will overtake you on your port side.
RT5	I will overtake you on your starboard side.
RT6(...)	I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RT7(...)	I shall approach your ship on starboard side to a distance of ... 100s of metres (yards).
RT8(...)	I shall approach your ship on port side to a distance of ... 100s of metres (yards).
RT9(...)	I shall cross astern at a distance of ... 100s of metres (yards).
RU2(...)	I am beginning a port turn in approximately ... minutes.
RU3(...)	I am beginning a starboard turn in approximately ... minutes.
RU4	The formation is preparing to alter course to port.
RU5	The formation is preparing to alter course to starboard.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
RU6	I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.
RU7	I am preparing to submerge.
RU8	A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2	Request your course, speed and passing intention.
TX1	I am engaged in fisheries patrol.
UY1(...)	I am preparing to launch/recover aircraft on course ...
UY2(...)	I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY3(...)	I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
UY4	I am preparing to conduct/am conducting operations employing explosive charges.
UY5(...)	I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated ... (table 3 of ICS).
UY6(...)	I am preparing to conduct/am conducting under-way replenishment on course ... Request you remain clear.
UY7(...)	I am preparing to conduct extensive small-boat and ship-to-shore amphibious training operations. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
UY8(...)	I am manoeuvring to launch/recover landing craft/boats. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
UY9	I am preparing to conduct/am conducting helicopter operations over my stern.
UY10*	I am checking gunnery systems.
UY11*	I am checking rocket systems.
UY12(...)	I am preparing to conduct/I am conducting/gunnery exercises/bombing by aircraft of the towed target. Request you keep clear of the direction indicated from me ... (table 3 of ICS).

* These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.

<u>S I G N A L</u>	<u>Meaning of signals</u>
1	2
ZL1	I have received and understood your signal.
ZL2	Do you understand? Request acknowledgement.
ZL3	Your signal has been received but has not been understood.

(g) Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in Ocean Studies of 1 June 1990

[Original: English and Russian]

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics (hereinafter referred to as "the Parties");

Recognizing the importance of comprehensive studies of the oceans of the world for peaceful purposes and for the well-being of mankind;

Striving for more complete knowledge and rational utilization of the oceans of the world by all nations through broad international cooperation in oceanographic investigations and research;

Aware of the capabilities and resources of both countries for studies of the oceans of the world and the extensive history and successful results of previous cooperation between them;

Desiring to combine their efforts in the further investigation of the oceans of the world and to use the results for the benefit of the peoples of both countries and of all mankind;

Noting the General Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Contacts, Exchanges and Cooperation in Scientific, Technical, Educational, Cultural and Other Fields, signed 21 November 1985; the Agreement on Cooperation in the Field of Environmental Protection, signed 23 May 1972; and the Agreement on Cooperation in the Field of Basic Scientific Research, signed 8 January 1989; and

Desiring to continue the cooperation carried out under the Agreement on Cooperation in Studies of the World Ocean, signed 19 June 1973;

Have agreed as follows:

Article 1

1. The Parties will develop and carry out cooperation in ocean studies on the basis of equality, overall reciprocity and mutual benefit.

2. All cooperation under this Agreement will be subject to approval of the Parties and to the national laws, regulations and international obligations of each country, as well as the availability of appropriated funds and personnel.

Article 2

1. In their ocean studies, the Parties will direct cooperative efforts to the investigation of important and mutually agreed scientific topics.

2. Cooperative efforts may be considered in the areas of: (a) physical oceanography; (b) chemical and biological oceanography; (c) geological, geophysical and geochemical investigations of oceans; (d) biological productivity and the functioning of oceanic biological communities; and (e) marine meteorology.

3. Projects of initial cooperation are set forth in Annex I, which constitutes an integral part of the Agreement. Other projects may be added by mutual agreement of the Parties.

Article 3

1. Cooperation provided for in the preceding articles may take the following forms:

- a. Cooperative scientific research projects, including field studies; the exchange of participating scientists, specialists and researchers; and the exchange and joint publication of their results;
- b. Joint scientific conferences, symposia and workshops;
- c. Exchange of scientific information and documentation;
- d. Appropriate participation by both countries in multilateral cooperative activities sponsored by international scientific organizations;
- e. Facilitation by both Parties of use of appropriate port facilities of the two countries for ships' services and supplies, including provision for rest and changes of ships' personnel, in connection with carrying out cooperative activities.

2. Other forms of cooperation may be added by mutual agreement of the Parties.

Article 4

1. Cooperation in ocean studies under this Agreement will be within the framework of jointly approved projects and programmes and in accordance with written arrangements for their implementation.

2. The Parties will ensure, in accordance with agreed cooperative activity, that access to institutes, scientists and other specialists participating in joint cooperative activity under this Agreement, and to scientific data, will be made available on an equal, reciprocal and mutually beneficial basis.

Article 5

1. The implementation of this Agreement will be carried out by a US-USSR Joint Committee on Cooperation in Ocean Studies. This Joint Committee shall meet, as a rule, once a year, alternatively in the United States and the Soviet Union, unless otherwise mutually agreed.

2. The Joint Committee shall take such action as is necessary for effective implementation of this Agreement, including, but not limited to, approval of specific projects and programmes of cooperation; designation of agencies and organizations to be responsible for carrying out cooperative activities; and making recommendations, as appropriate, to the Parties.

3. Each Party shall have an Executive Agent to assist the Joint Committee. The Executive Agent of the United States of America will be the National Oceanic and Atmospheric Administration (NOAA), a constituent agency of the U.S. Department of Commerce. The Executive Agent of the Union of Soviet Socialist Republics will be the USSR State Committee for Science and Technology (GKNT).

4. The Executive Agents of the Parties will be responsible for carrying out this Agreement during the period between meetings of the Joint Committee. The Executive Agents will maintain contact with each other; keep each other informed of activities and progress in implementing this Agreement; and coordinate and supervise the development and implementation of cooperative activities conducted under this Agreement.

Article 6

Nothing in this Agreement will be interpreted to prejudice other agreements between the Parties or commitments of either Party to other international oceanographic programmes.

Article 7

Each Party, with the consent of the other Party, may invite third countries to participate in cooperative activities engaged in under this Agreement. Such participation will be consistent with the provisions of this Agreement.

Article 8

Protection of intellectual property and rights thereto shall be as set forth in Annex II, which constitutes an integral part of this Agreement.

Article 9

1. This Agreement will enter into force upon signature by both Parties and will remain in force for five years. It may be modified or extended by written agreement of the Parties.

2. Cooperative activities being conducted when the effective period of this Agreement ends will, unless terminated by either Party, be continued to their conclusion in accordance with the terms of this Agreement.

3. Either Party has the right to terminate this Agreement on six months' written notice to the other Party.

4. Upon entry into force, this Agreement shall supersede the 1973 US-USSR Agreement on Cooperation in Studies of the World Ocean, as amended and extended.

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

ANNEX I

To the Agreement between the Government of the United States of America and
the Government of the Union of Soviet Socialist Republics on
Cooperation in Ocean Studies

Cooperation under this Agreement will initially be implemented in the following projects:

- a. Southern Ocean Dynamics
- b. Mid-Atlantic Ridge Crest Processes
- c. Geochemistry of Marine Sediments
- d. Arctic Erosional Processes with Special Attention to Gas Hydrates

ANNEX II

Pursuant to article 8 of this Agreement:

I. GENERAL

A. For purposes of this Agreement, "intellectual property" is understood to have the meaning found in article 2 of the Convention Establishing the World Intellectual Property Organization, done at Stockholm 14 July 1967.

B. The Parties shall ensure adequate and effective protection for intellectual property created or furnished under this Agreement.

II. COPYRIGHTS

The Parties shall take appropriate steps to secure copyright to works created under this Agreement in accordance with their respective national laws, except as otherwise specifically agreed. The following provisions shall apply to copyright protection for works created under this Agreement:

1. Except as otherwise agreed, each Party is entitled to a non-exclusive, irrevocable, royalty-free licence under a copyright, secured in accordance with the national laws of either Party, to translate, reproduce, publish and distribute published scientific, technical and medical works in its own territory with the right to grant sub-licences in its territory in accordance with this Party's laws and practices. Any such copyrighted work shall indicate the names of all persons who participated in the joint work. Either Party is entitled to a licence in third countries upon request.

2. Rights to other copyrighted works (such as computer software) shall be allocated in the same manner as for inventions, as set forth in article III, paragraphs B-E, of this annex. A Party receiving rights pursuant to this provision to copyrighted works which embody business-confidential information shall protect such information in accordance with article IV of this annex.

III. INVENTIONS

A. For purposes of this annex, "invention" means any invention made in the course of cooperation under this Agreement which is or may be patentable or otherwise protectable under the laws of the United States of America, the Union of Soviet Socialist Republics or any third country. An invention "made" means one conceived or for which an application for patent or other title of protection has been filed or which has otherwise been reduced to practice.

B. Between a Party and its nationals, the ownership of rights and interests in inventions will be determined in accordance with that Party's national laws and practices.

C. As between the Parties, unless otherwise specifically agreed, the Parties shall take appropriate steps to implement the following:

1. If the invention is made in the course of a programme of cooperative activity that involves only the transfer or exchange of information between the Parties, such as by joint meetings, seminars or the exchange of technical reports or papers, unless otherwise specifically agreed:

- a. The Party whose personnel make the invention ("the Inventing Party") has the right to obtain all rights and interests in the invention in all countries in accordance with applicable national laws of such countries;

- b. In any country where the Inventing Party decides not to obtain such rights and interests, the other Party has the right to do so.

2. If the invention is made by personnel of one Party ("the Assigning Party") while assigned to the other Party ("the Receiving Party") in the course of a programme of cooperative activity that involves only the visit or exchange of scientific and technical personnel:

- a. The Receiving Party has the right to obtain all rights and interests in the invention in all countries in accordance with applicable national laws of such countries;

- b. In any country where the Receiving Party decides not to obtain such rights and interests, the Assigning Party has the right to do so.

D. For other forms of cooperation, such as joint research projects with an agreed scope of work, each Party has the right to obtain all rights and interests in its own country in any invention made as a result of such cooperation, whereas the Party in whose country the invention was made has first option to secure legal protection of that invention in third countries, as well as the right to license or transfer such rights and interests in third countries. However, if the Parties agree that the application of this paragraph to a particular cooperative activity would lead to an inequitable result, they shall agree to an equitable allocation of rights with respect to that activity.

E. Notwithstanding the foregoing, if an invention is of a type for which exclusive rights are available under the laws of the Party but not of the other Party, the Party whose laws provide for exclusive rights shall be entitled to all rights in all countries which provide rights to such invention. The Parties may agree, however, to a different allocation of rights to such invention.

F. The Parties shall disclose to one another inventions made in the course of programmes of cooperative activities and furnish to one another any documentation and information necessary to enable them to secure any rights to which they may be entitled. The Parties may ask one another in writing to delay publication or public disclosure of such documentation or information for the purpose of protecting their respective rights related to inventions. Unless otherwise agreed in writing, such restriction shall not exceed a period of six months from the date of communication of such information. Communication shall be through the Executive Agents.

IV. BUSINESS-CONFIDENTIAL INFORMATION

A. The Parties do not expect to furnish to one another or create business-confidential information in the course of cooperation under this Agreement. In the event that such information is inadvertently furnished or created or the Parties agree to furnish such information, the Parties shall give full protection to such information in accordance with their laws, regulations and administrative practices.

B. For the purposes of this annex, "business-confidential information" means information of a confidential nature which meets all of the following conditions:

1. It is of a type customarily held in confidence for commercial reasons;
2. It is not generally known or publicly available from other sources;
3. It has not been previously made available by the owner to others without an obligation concerning its confidentiality; and
4. It is not already in the possession of the recipient Party without an obligation concerning its confidentiality.

C. Any information to be protected as "business-confidential information" shall be appropriately identified by the Party furnishing such information or asserting that it is to be protected, except as otherwise provided in the Parties' laws, regulations and administrative practices. Subject to the aforesaid laws, regulations and administrative practices, unidentified information will be assumed not to be information to be protected, except that a Party to the cooperative activity may notify the other Party in writing, within a reasonable period of time after furnishing or transferring such information, that such information is business-confidential under the laws, regulations and administrative practices of its country. Such information will thereafter be protected in accordance with paragraph A above.

V. OTHER TYPES OF INTELLECTUAL PROPERTY

"Other types of intellectual property" means any intellectual property protectable in accordance with the laws, regulations and administrative practices of either Party or any third country other than those described in articles II and III above and includes, for example, scientific discoveries, maskworks and trade marks. Rights to other types of intellectual property shall be determined in the same manner as for inventions, as set forth in article III, paragraphs B-D, of this annex. If an intellectual property is one for which protection is available under the laws of one Party but not of the other Party, the Party whose laws provide such protection shall be entitled to all rights in all countries which protect such intellectual property. The Parties may agree, however, to a different allocation of rights to such intellectual property.

VI. MISCELLANEOUS

A. Each Party shall take all necessary and appropriate steps to provide for the cooperation of its authors, inventors and discoverers which is required to carry out the provisions of this annex.

B. Each Party shall assume the responsibility to pay to its nationals such awards or compensation as may be in accordance with its laws and regulations. This annex does not create any entitlement or prejudice any right or interest of the author or inventor to an award or compensation for his or her work or invention.

C. Intellectual property disputes arising under this Agreement should be resolved, if possible, through discussions between the Executive Agents. If the Executive Agents cannot resolve such a disagreement, it shall be settled through consultations between the Parties or their designees.

VII. EFFECT OF TERMINATION OR EXPIRATION

Termination or expiration of this Agreement shall not affect rights or obligations under this annex.

VIII. APPLICABILITY

This annex is applicable to all cooperative activities under this Agreement, except as otherwise specifically agreed.

(h) Agreement on Maritime Delimitation between the Government of the Cook Islands and the Government of the French Republic of 3 August 1990

The Government of the Cook Islands and the Government of the French Republic,

Desirous of strengthening the bonds of neighbourliness and friendship between the two States,

Recognizing the need to effect a precise and equitable delimitation of the respective maritime areas in which the two States exercise sovereign rights,

Basing themselves on the rules and principles of relevant international law, as they are expressed in the United Nations Convention on the Law of the Sea of 10 December 1982,

Have agreed as follows:

Article 1

1. The line of delimitation of maritime areas between the Cook Islands and the French Republic is the line which lies along the loxodromes connecting the points defined by their coordinates as follows:

	Longitude West			Latitude South		
Point 1	158°	07'	41"	15°	52'	08"
Point 2	157°	52'	07"	16°	24'	18"
Point 3	157°	14'	45"	17°	19'	06"
Point 4	156°	02'	31"	18°	20'	44"
Point 5	155°	10'	28"	18°	55'	11"
Point 6	154°	48'	20"	19°	15'	26"
Point 7	156°	19'	23"	21°	24'	20"
Point 8	156°	08'	33"	24°	53'	40"

2. This line is approximately equidistant between the Cook Islands and the French Republic of French Polynesia.

3. The geographic coordinates aforementioned are expressed in the WGS 84 (World Geodesic System 1984).

4. The line described above is shown on the chart annexed to this Agreement.*

* The chart has never been annexed to the Agreement. Entered into force on 3 August 1990.

Article 2

The line described in article 1 of this Agreement shall be the maritime boundary between the areas referred to in the said article 1 in which the Parties exercise, or will exercise, in accordance with international law, any sovereign rights or jurisdiction.

Article 3

If new surveys or resulting charts and maps should indicate that changes in the base points' coordinates are sufficiently significant to require adjustments of the maritime boundary, the Parties agree that an adjustment will be carried out on the basis of the same principles as those used in determining the maritime boundary, and such adjustments shall be provided for in a Protocol to this Agreement.

Article 4

Any dispute arising between the Parties with respect to the interpretation or the application of this Agreement shall be resolved by peaceful means, in accordance with international law.

Article 5

This Agreement shall enter into force on the date of its signature.

IN WITNESS WHEREOF, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement.

DONE at Rarotonga the 3rd day of August 1990 in two originals, each in the English and French languages, the two texts being equally authoritative.

(i) Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary of 1 June 1990 1/

The United States of America and the Union of Soviet Socialist Republics (hereinafter "the Parties"),

Recalling the United States-Russia Convention of March 18/30, 1867 (hereinafter "the 1867 Convention"),

Desiring to resolve issues concerning the maritime boundary between the United States and the Soviet Union,

Desiring to ensure that coastal State jurisdiction is exercised in all maritime areas in which such jurisdiction could be exercised for any purpose by either of the Parties, in accordance with international law, in the absence of a maritime boundary,

Have agreed as follows:

Article 1

1. The Parties agree that the line described as the "western limit" in article 1 of the 1867 Convention, as defined in article 2 of this Agreement, is the maritime boundary between the United States and the Soviet Union.
2. Each Party shall respect the maritime boundary as limiting the extent of its coastal State jurisdiction otherwise permitted by international law for any purpose.

Article 2

1. From the initial point, 65° 30' N., 168° 58' 37" W., the maritime boundary extends north along the 168° 58' 37" W. meridian through the Bering Strait and Chukchi Sea into the Arctic Ocean as far as permitted under international law.
2. From the same initial point, the maritime boundary extends southwestward and is defined by lines connecting the geographic positions set forth in the Annex, which is an integral part of this Agreement.
3. All geographic positions are defined in the World Geodetic System 1984 ("WGS 84") and, except where noted, are connected by geodetic lines.

Article 3

1. In any area east of the maritime boundary that lies within 200 nautical miles of the baselines from which the breadth of the territorial sea of the Soviet Union is measured but beyond 200 nautical miles of the baselines from

1/ Entered into force on 1 October 1990.

which the breadth of the territorial sea of the United States is measured ("eastern special area"), the Soviet Union agrees that henceforth the United States may exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the Soviet Union would otherwise be entitled to exercise under international law in the absence of the agreement of the Parties on the maritime boundary.

2. In any area west of the maritime boundary that lies within 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the Soviet Union is measured ("western special area"), the United States agrees that henceforth the Soviet Union may exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law in the absence of the agreement of the Parties on the maritime boundary.

3. To the extent that either Party exercises the sovereign rights or jurisdiction in the special area or areas on its side of the maritime boundary as provided for in this article, such exercise of sovereign rights or jurisdiction derives from the agreement of the Parties and does not constitute an extension of its exclusive economic zone. To this end, each Party shall take the necessary steps to ensure that any exercise on its part of such rights or jurisdiction in the special area or areas on its side of the maritime boundary shall be so characterized in its relevant laws, regulations and charts.

Article 4

The maritime boundary as defined in this Agreement shall not affect or prejudice in any manner either Party's position with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights or jurisdiction with respect to the waters or seabed and subsoil.

Article 5

For the purposes of this Agreement, "coastal State jurisdiction" refers to the sovereignty, sovereign rights or any other form of jurisdiction with respect to the waters or seabed and subsoil that may be exercised by a coastal State in accordance with the international law of the sea.

Article 6

Any dispute concerning the interpretation or application of this Agreement shall be resolved by negotiation or other peaceful means agreed by the Parties.

This Agreement shall be subject to ratification and shall enter into force on the date of exchange of instruments of ratification.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed the present Agreement.

DONE at Washington, this first day of June, 1990, in duplicate, in the English and Russian languages, each text being equally authentic.

ANNEX

The geographic positions set forth in this Annex are on the World Geodetic System 1984 ("WGS 84") and, except where noted, are connected by geodetic lines. One nautical mile equals 1,852 meters.

The maritime boundary is defined as follows:

From the initial point, 65° 30' N., 168° 58' 37" W., the maritime boundary extends north along the 168° 58' 37" W. meridian through the Bering Strait and Chukchi Sea into the Arctic Ocean as far as permitted under international law.

From the same initial point, the maritime boundary extends southwestward connecting the following geographic positions:

2.	65° 19' 58" N.,	169° 21' 38" W.
3.	65° 09' 51" N.,	169° 44' 34" W.
4.	64° 59' 41" N.,	170° 07' 23" W.
5.	64° 49' 26" N.,	170° 30' 06" W.
6.	64° 39' 08" N.,	170° 52' 43" W.
7.	64° 28' 46" N.,	171° 15' 14" W.
8.	64° 18' 20" N.,	171° 37' 40" W.
9.	64° 07' 50" N.,	172° 00' 00" W.
10.	63° 59' 27" N.,	172° 18' 39" W.
11.	63° 51' 01" N.,	172° 37' 13" W.
12.	63° 42' 33" N.,	172° 55' 42" W.
13.	63° 34' 01" N.,	173° 14' 07" W.
14.	63° 25' 27" N.,	173° 32' 27" W.
15.	63° 16' 50" N.,	173° 50' 42" W.
16.	63° 08' 11" N.,	174° 08' 52" W.
17.	62° 59' 29" N.,	174° 26' 58" W.
18.	62° 50' 44" N.,	174° 44' 59" W.
19.	62° 41' 56" N.,	175° 02' 56" W.
20.	62° 33' 06" N.,	175° 20' 48" W.
21.	62° 24' 13" N.,	175° 38' 36" W.
22.	62° 15' 17" N.,	175° 56' 19" W.
23.	62° 06' 19" N.,	176° 13' 59" W.
24.	61° 57' 18" N.,	176° 31' 34" W.
25.	61° 10' 11" N.,	176° 49' 04" W.
26.	61° 39' 08" N.,	177° 06' 31" W.
27.	61° 29' 59" N.,	177° 23' 53" W.
28.	61° 20' 47" N.,	177° 41' 11" W.
29.	61° 11' 33" N.,	177° 58' 26" W.
30.	61° 02' 17" N.,	178° 15' 36" W.

31.	60° 52' 57" N.,	178° 32' 42" W.
32.	60° 43' 35" N.,	178° 49' 45" W.
33.	60° 34' 11" N.,	179° 06' 44" W.
34.	60° 24' 44" N.,	179° 23' 38" W.
35.	60° 15' 14" N.,	179° 40' 30" W.
36.	60° 11' 39" N.,	179° 46' 49" W.;

thence, it extends along an arc with a radius of 200 nautical miles and a center at 60° 38' 23" N., 173° 06' 54" W. to

37.	59° 58' 22" N.,	179° 40' 55" W.;
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thence, it extends southwestward along the rhumb line, defined by the following points: 64° 05' 08" N., 172° 00' 00" W., 53° 43' 42" N., 170° 18' 31" E. to

38.	58° 57' 18" N.,	178° 33' 59" E.;
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thence, it extends along an arc with a radius of 200 nautical miles and a center at 62° 16' 09" N., 179° 05' 34" E. to

39.	58° 58' 14" N.,	178° 15' 05" E.
40.	58° 57' 58" N.,	178° 14' 37" E.

41.	58° 48' 06" N.,	177° 58' 14" E.
42.	58° 38' 12" N.,	177° 41' 53" E.
43.	58° 28' 16" N.,	177° 25' 34" E.
44.	58° 18' 17" N.,	177° 09' 18" E.
45.	58° 08' 15" N.,	176° 53' 04" E.
46.	57° 58' 11" N.,	176° 36' 52" E.
47.	57° 48' 04" N.,	176° 20' 43" E.
48.	57° 37' 54" N.,	176° 04' 35" E.
49.	57° 27' 42" N.,	175° 48' 31" E.
50.	57° 17' 28" N.,	175° 32' 28" E.

51.	57° 07' 11" N.,	175° 16' 27" E.
52.	56° 56' 51" N.,	175° 00' 29" E.
53.	56° 46' 29" N.,	174° 44' 32" E.
54.	56° 36' 04" N.,	174° 28' 38" E.
55.	56° 25' 37" N.,	174° 12' 46" E.
56.	56° 15' 07" N.,	173° 56' 56" E.
57.	56° 04' 34" N.,	173° 41' 08" E.
58.	55° 53' 59" N.,	173° 25' 22" E.
59.	55° 43' 22" N.,	173° 09' 37" E.
60.	55° 32' 42" N.,	172° 53' 55" E.

61.	55° 21' 39" N.,	172° 38' 14" E.
62.	55° 11' 14" N.,	172° 22' 36" E.
63.	55° 00' 26" N.,	172° 06' 59" E.
64.	54° 49' 36" N.,	171° 51' 24" E.
65.	54° 38' 43" N.,	171° 35' 51" E.
66.	54° 27' 48" N.,	171° 20' 20" E.
67.	54° 16' 50" N.,	171° 04' 50" E.
68.	54° 05' 50" N.,	170° 49' 22" E.
69.	53° 54' 47" N.,	170° 33' 56" E.
70.	53° 43' 42" N.,	170° 18' 31" E.
71.	53° 32' 46" N.,	170° 05' 29" E.
72.	53° 21' 48" N.,	169° 52' 32" E.
73.	53° 10' 49" N.,	169° 39' 40" E.
74.	52° 59' 48" N.,	169° 26' 53" E.
75.	52° 48' 46" N.,	169° 14' 12" E.
76.	52° 37' 43" N.,	169° 01' 36" E.
77.	52° 26' 38" N.,	168° 49' 05" E.
78.	52° 15' 31" N.,	168° 36' 39" E.
79.	52° 04' 23" N.,	168° 24' 17" E.
80.	51° 53' 14" N.,	168° 12' 01" E.
81.	51° 42' 03" N.,	167° 59' 49" E.
82.	51° 30' 51" N.,	167° 47' 42" E.
83.	51° 19' 37" N.,	167° 35' 40" E.
84.	51° 11' 22" N.,	167° 26' 52" E.
85.	51° 12' 17" N.,	167° 15' 35" E.
86.	51° 09' 09" N.,	167° 12' 00" E.
87.	50° 58' 39" N.,	167° 00' 00" E.

The Secretary of State of the United States of America to the Minister for
Foreign Affairs of the Union of Soviet Socialist Republics

1 June 1990

Excellency:

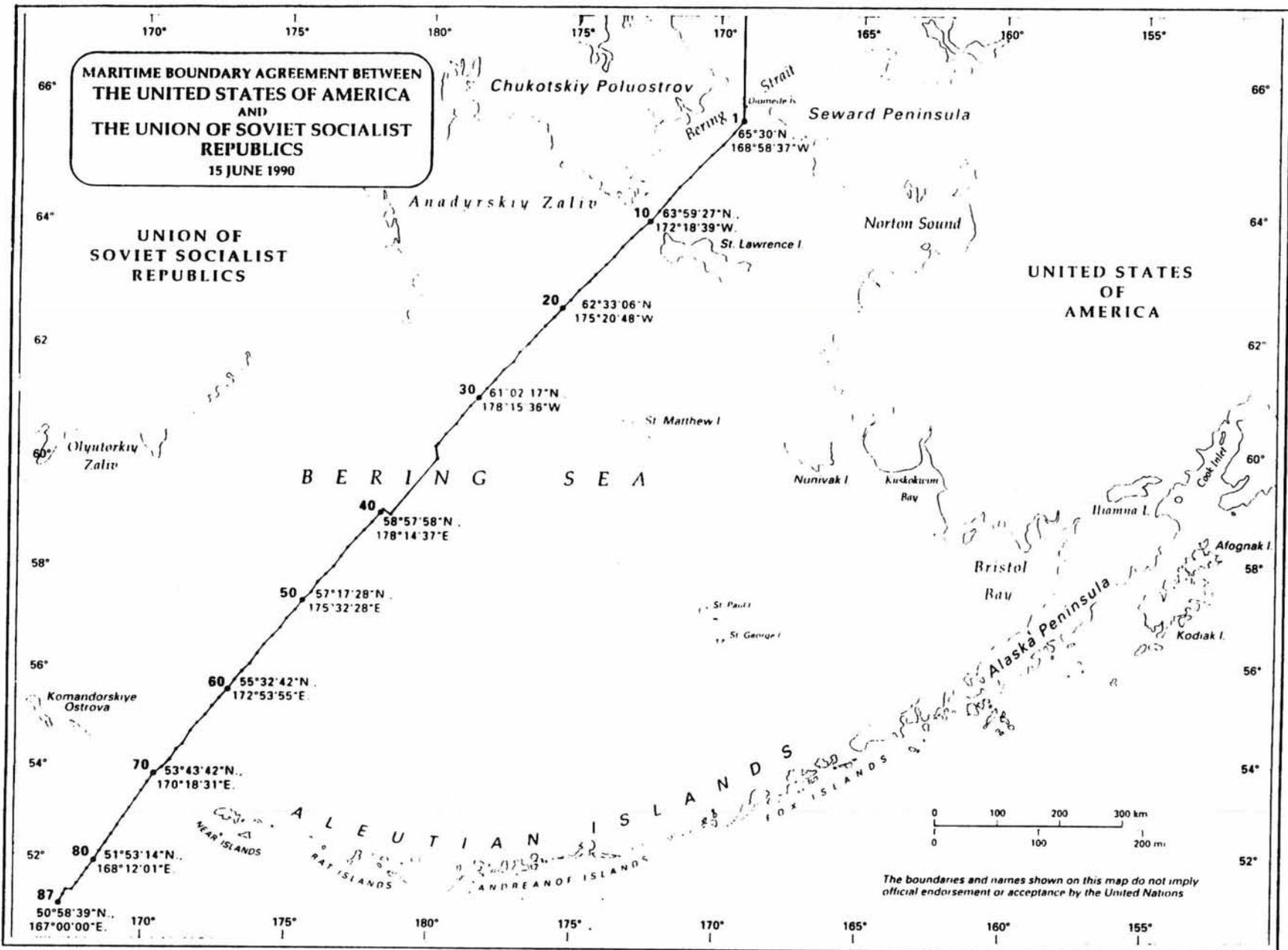
I have the honor to refer to the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, which has been signed by representatives of our two Governments today. I have the further honor to propose that, pending the entry into force of that Agreement, the two Governments agree to abide by the terms of that Agreement as of 15 June 1990.

On the basis of the foregoing, I have the honor to propose to Your Excellency that if the terms stipulated herein are acceptable to the Government of the Union of Soviet Socialist Republics, this note and Your Excellency's reply shall constitute an agreement between the two Governments, which shall enter into force on the day of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

James Baker III

His Excellency
Eduard A. Shevardnadze
Minister for Foreign Affairs of the
Union of Soviet Socialist Republics



MAP NO. 3645 UNITED NATIONS
AUGUST 1991

(j) Agreement between the Government of Canada and the Government of the Union of Soviet Socialist Republics concerning the Prevention of Incidents at Sea beyond the Territorial Sea of 20 November 1989

[Original: English, French and Russian]

The Government of Canada and the Government of the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

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

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

Guided by the principles and rules of international law,

Have agreed as follows:

Article I

1. For the purposes of this Agreement:

(a) "ship" means:

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

(ii) an auxiliary ship belonging to the armed forces of one of the Parties, which includes all ships authorized to fly the auxiliary ship flag where such a flag has been established by that Party;

(b) "aircraft" means any military manned heavier-than-air or lighter-than-air craft, excluding spacecraft;

(c) "formation" means a disposition of two or more ships proceeding in company and manoeuvring together.

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

Article II

The Parties shall take measures to instruct the Commanding Officers of their respective ships to observe strictly the letter and spirit of the 1972 International Regulations for Preventing Collisions at Sea, hereinafter referred to as "the 1972 Collision Regulations". The Parties recognize that their freedom to conduct operations beyond the territorial sea is based on the principles established and recognized under international law.

Article III

1. In all cases ships of the Parties operating in proximity to each other, except when required to maintain course and speed under the 1972 Collision Regulations, shall remain well clear to avoid risk of collision.
2. Ships of one Party meeting or operating in the vicinity of a formation of the other Party shall, while conforming to the 1972 Collision Regulations, avoid manoeuvring in a manner which would hinder the evolutions of the formation.
3. Formations shall not conduct manoeuvres through areas of heavy traffic where internationally recognized traffic separation schemes are in effect.
4. Ships of one Party engaged in surveillance of ships of the other Party shall stay at a distance which avoids the risk of collision and shall also avoid executing manoeuvres embarrassing or endangering the ships under surveillance. Except when required to maintain course and speed under the 1972 Collision Regulations, a surveillant shall take positive early action so as, in the exercise of good seamanship, not to embarrass or endanger ships under surveillance.
5. When ships of the Parties are in sight of one another, such signals (flag, sound and light) as are prescribed by the 1972 Collision Regulations, the International Code of Signals and the Table of Special Signals set forth in the Annex to this Agreement shall be adhered to for signalling operations and intentions. At night, or in daytime in conditions of reduced visibility, or under conditions of lighting and at such distances when signal flags are not distinct, flashing light or Very High Frequency Radio Channel 16 (156.8 MHz) should be used.
6. Ships of the Parties:
 - (a) shall not simulate attacks by aiming guns, missile launchers, torpedo tubes or other weapons in the direction of ships and aircraft of the other Party;
 - (b) shall not launch in the direction of ships of the other Party any object which could be hazardous to those ships or constitute a hazard to navigation;
 - (c) shall not use searchlights or other illumination devices for the purpose of illuminating the navigation bridges of ships and cockpits of flying aircraft of the other Party;

- (d) shall not use a laser in such a manner as to cause harm to personnel or damage to equipment aboard a ship or an aircraft of the other Party;
- (e) shall not launch signal rockets in the direction of ships or aircraft of the other Party.

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

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

Article IV

1. Commanders of aircraft of the Parties shall use the greatest caution and prudence in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit:

- (a) simulated attacks or the simulated use of weapons against ships or aircraft of the other Party;
- (b) the performance of aerobatics over ships of the other Party;
- (c) the launch in the direction of ships of the other Party of any objects which could be hazardous to those ships or constitute a hazard to navigation.

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

Article V

1. Actions of ships and aircraft prohibited by this Agreement shall also not be taken against non-military ships and aircraft of the Parties.

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

Article VI

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

Article VII

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

2. The same procedure as described in paragraph 1 of this article shall also be used by the Parties to exchange information on other incidents at sea, if immediate receipt of such information may be considered important for the other Party.

Article VIII

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

Article IX

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

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

ANNEX

Table of special signals 1/

The following signals are to be preceded by the group YANKEE VICTOR ONE (YVI):

<u>Signals</u>	<u>Meaning of signals</u>
IR1	I am engaged in oceanographic operations.
IR2(...)	I am streaming/towing hydrographic survey equipment ... metres astern.
IR3	I am recovering hydrographic survey equipment.
IR4	I am conducting salvage operations.
JH1	I am attempting to retract a grounded vessel.
MH1	Request you not cross my course ahead of me.
NB1(...)	I have my unattached hydrographic survey equipment bearing in a direction from me as indicated ... (table III of ICS).
PJ1	I am unable to alter course to my starboard.
PJ2	I am unable to alter course to my port.
PJ3	Caution, I have a steering casualty.
PP8(...)	Dangerous operations in progress. Request you keep clear of the direction indicated from me ... (table III of ICS).
QF1	Caution, I have stopped the engines.

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

<u>Signals</u>	<u>Meaning of signals</u>
QS6(...)	I am proceeding to anchorage on course ...
QV2	I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.
QV3	I am anchored in deep water with hydrographic survey equipment streamed.
RT2	I intend to pass you on your port side.
RT3	I intend to pass you on your starboard side.
RT4	I will overtake you on your port side.
RT5	I will overtake you on your starboard side.
RT6(...)	I am/formation is/manoeuvring. Request you keep clear of the direction indicated from me ... (table III of ICS).
RT7(...)	I shall approach your ship on starboard side to a distance of ... 100s of metres (yards).
RT8(...)	I shall approach your ship on port side to a distance of 100s ... of metres (yards).
RT9(...)	I shall cross astern at a distance of ... 100s of metres (yards).
RU2(...)	I am beginning a port turn in approximately ... minutes.
RU3(...)	I am beginning a starboard turn in approximately ... minutes.
RU4	The formation is preparing to alter course to port.

<u>Signals</u>	<u>Meaning of signals</u>
RU5	The formation is preparing to alter course to starboard.
RU6	I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.
RU7	I am preparing to submerge.
RU8	A submarine will surface within two miles of me within 30 minutes. Request you remain clear.
SL2	Request your course, speed and passing intention.
TX1	I am engaged in fisheries patrol.
UY1(...)	I am preparing to launch/recover aircraft on course ...
UY2(...)	I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me ... (table 3 of ICS).
UY3(...)	I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me ... (table III of ICS).
UY4	I am preparing to conduct/am conducting operations employing explosive charges.
UY5(...)	I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated ... (table III of ICS).
UY6(...)	I am preparing to conduct/am conducting underway replenishment on course ... Request you remain clear.
UY7	I am preparing to conduct extensive small-boat and ship-to-shore amphibious training operations. Request you keep clear of the direction indicated from me ... (table III of ICS).

<u>Signals</u>	<u>Meaning of signals</u>
UY8(...)	I am manoeuvring to launch/recover landing craft/boats. Request you keep clear of the direction indicated from me ... (table III of ICS).
UY9	I am preparing to conduct/am conducting helicopter operations over my stern.
UY10*	I am checking gunnery systems.
UY11*	I am checking rocket systems.
UY12(...)	I am preparing to conduct/I am conducting gunnery exercises/bombing with aircraft using a towed target. Request you keep clear of the direction indicated from me ... (table III of ICS).
ZL1	I have received and understood your signal.
ZL2	Do you understand? Request acknowledgement.
ZL3	Your signal has been received, but not understood.

* These signals are transmitted by ships when they conduct routine or gun missile system checks.

(k) Agreement on Maritime Delimitation between the Government of the French Republic and the Government of the Solomon Islands of 12 November 1990

The Government of the French Republic and the Government of the Solomon Islands, desirous of strengthening the bonds of neighbourliness and friendship between the two States,

Recognizing the need to effect a precise and equitable delimitation of the respective maritime areas in which the two States exercise sovereign rights,

Basing themselves on the rules and principles of relevant international law, as they are expressed in the United Nations Convention on the Law of the Sea of 10 December 1982,

Have agreed as follows:

Article 1

1. The line of delimitation of maritime areas between the French Republic and the Solomon Islands is the line which lies along the loxodromes connecting the points defined by their coordinates as follows:

	<u>LATITUDE SOUTH</u>	<u>LONGITUDE EAST</u>
Point 23	15° 44' 07"	158° 45' 39"
Point 24	16° 07' 37"	160° 14' 54"
Point 25	15° 12' 17"	162° 19' 26"
Point 26 (a)	14° 50' 03"	163° 10'

2. This line is approximately equidistant between the French Republic in the vicinity of New Calendonia and the Solomon Islands.

3. The geographic coordinates aforementioned are expressed in the WGS 84 (World Geodetic System 1984).

4. The line described above is shown on the chart annexed to this Agreement.

Article 2

The line described in article 1 of this Agreement shall be the maritime boundary between the areas referred to in this article in which the parties exercise, or will exercise, in accordance with international law, any sovereign rights or jurisdiction.

Article 3

Any dispute arising between the parties with respect to the interpretation or the application of this Agreement shall be resolved by peaceful means, in accordance with international law.

Article 4

This Agreement shall enter into force on the date of its signature.

IN WITNESS THEREOF, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement and have affixed thereto their seals.

DONE at Honiara on 12 November 1990 in two originals, each in the English and French languages, the two texts being equally authoritative.

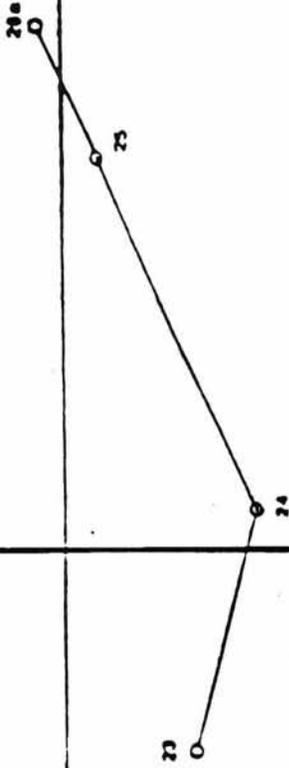
Delimitation: SOLOMON - FRANCE:



Avril 1990



A1
① WELLINGTON ROAD
(A-1000000)



165° E

160° E

(1) Codicil modifying the Agreement of 19 January 1983* between the Government of the French Republic and the Government of Fiji relating to the Delimitation of their Economic Zone of 8 November 1990 1/

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

Desirous of concluding a Codicil modifying the Agreement between the Government of the French Republic and the Government of Fiji relating to the delimitation of their economic zone signed in Suva on 19 January 1983,

Have agreed to modify Annex 1.B to the said Agreement as follows:

Annex 1

B - Between France (Wallis and Futuna) and Fiji

1.	15° 53' 56" S	177° 25' 04" W
2.	15° 17' 44" S	178° 29' 42" W
3.	14° 47' 33" S	179° 14' 44" W
4.	13° 19' 04" S	179° 30' 18" W
5.	13° 14' 25" S	179° 32' 05" W

The positions of the points in this Annex are defined by latitude and longitude on World Geodetic System 1972 (WGS 72).

The present Codicil enters into force on the date of signature.

IN WITNESS WHEREOF the undersigned, duly authorized to that end by their respective Governments, have signed this Codicil.

DONE at Suva the eighth day of November in the year one thousand nine hundred and ninety in two originals, each in the French and English languages, the two texts being equally authoritative.

* The Agreement of 19 January 1983, which entered into force on 21 August 1984, was published in The Law of the Sea: Maritime Boundary Agreements (1970-1984) (United Nations publication, Sales No. E.87.V.12), pp. 276-279.

1/ Entered into force on 8 November 1990.

(m) Agreement between the Republic of Trinidad and Tobago and the Republic of Venezuela on the Delimitation of Marine and Submarine Areas of 18 April 1990*

The Government of the Republic of Trinidad and Tobago and the Government of the Republic of Venezuela, hereinafter referred to as the Contracting Parties;

Resolving in a true spirit of cooperation and friendship to settle permanently as good neighbours the limits of the marine and submarine areas within which the respective Governments exercise sovereignty, sovereign rights and jurisdiction through the establishment of a precise and equitable maritime boundary between the two countries;

Taking into account the rules of international law and the development of the new law of the sea;

Have agreed as follows:

Article I

The maritime boundary between the Republic of Trinidad and Tobago and the Republic of Venezuela referred to in this Treaty is the maritime boundary with respect to the territorial seas, the continental shelves and the exclusive economic zones and or any other marine and submarine areas which have been or might be established by the Contracting Parties in accordance with international law.

Article II

1. The delimitation lines with respect to the marine and submarine areas in the Caribbean, the Gulf of Paria, the Serpent's Mouth and the Atlantic Ocean are geodesics connecting the following geographical coordinates:

1.	Latitude	11° 10' 30" North;	Longitude	61° 43' 46" West
2.	Latitude	10° 54' 40" North;	Longitude	61° 43' 46" West
3.	Latitude	10° 54' 15" North;	Longitude	61° 43' 52" West
4.	Latitude	10° 48' 41" North;	Longitude	61° 45' 47" West
5.	Latitude	10° 47' 38" North;	Longitude	61° 46' 17" West

* Communicated by the Permanent Mission of Venezuela to the United Nations on 5 November 1991. Entered into force on 23 July 1991.

6.	Latitude	10° 42' 52" North;	Longitude	61° 48' 10" West
7.	Latitude	10° 35' 20" North;	Longitude	61° 48' 10" West
8.	Latitude	10° 35' 19" North;	Longitude	61° 51' 45" West
9.	Latitude	10° 02' 46" North;	Longitude	62° 04' 59" West
10.	Latitude	10° 00' 29" North;	Longitude	61° 58' 25" West
11.	Latitude	09° 59' 12" North;	Longitude	61° 51' 18" West
12.	Latitude	09° 59' 12" North;	Longitude	61° 37' 50" West
13.	Latitude	09° 58' 12" North;	Longitude	61° 30' 00" West
14.	Latitude	09° 52' 33" North;	Longitude	61° 13' 24" West
15.	Latitude	09° 50' 55" North;	Longitude	60° 53' 27" West
16.	Latitude	09° 49' 55" North;	Longitude	60° 39' 51" West
17.	Latitude	09° 53' 26" North;	Longitude	60° 16' 02" West
18.	Latitude	09° 57' 17" North;	Longitude	59° 59' 16" West
19.	Latitude	09° 58' 11" North;	Longitude	59° 55' 21" West
20.	Latitude	10° 09' 59" North;	Longitude	58° 49' 12" West
21.	Latitude	10° 16' 01" North;	Longitude	58° 49' 12" West

and from point 1 northerly in constant and true direction following the meridian 61° 43' 46" West up to the point at which it meets the jurisdiction of a third State, and from point 21 along an azimuth of 067° degrees up to the outer limit of the exclusive economic zone and thereafter towards point 22, with the following geographic coordinates: Latitude 11° 24' 00" North and Longitude 56° 06' 30" West which is situated approximately on the outer edge of the continental margin which delimits the national jurisdiction of the Republic of Trinidad and Tobago and of the Republic of Venezuela and the international seabed area which is the common heritage of mankind.

2. Both Parties reserve the right, in case of determining that the outer edge of the continental margin is located closer to 350 nautical miles from the respective baselines, to establish and negotiate their respective rights up to this outer edge in conformity with the provisions of international law; no provision of the present Treaty shall in any way prejudice or limit these rights or the rights of third parties.

Article III

It is understood by the Contracting Parties that in the Caribbean Sea and the Gulf of Paria, the Republic of Trinidad and Tobago to the west and south of the said maritime boundary and the Republic of Venezuela to the east and north of that boundary; and in the Atlantic, the Republic of Trinidad and Tobago to the south of the said maritime boundary, and the Republic of

Venezuela to the north of that boundary, shall not, for any purpose, claim or exercise sovereignty, sovereign rights or jurisdiction over the marine and submarine areas to which article 1 of the present Treaty refers.

Article IV

1. The positions of the aforementioned points have been defined by latitude and longitude of the 1956 Provisional South American Datum (International Ellipsoid 1924).
2. The limits and points previously indicated have been drawn solely by way of illustration on the map accepted by the Parties and annexed to this Treaty.

Article V

1. The Contracting Parties agree to create a Trinidad and Tobago/Venezuela Mixed Demarcation Commission. The Commission shall be responsible for the actual demarcation of the points and lines referred to above to the extent possible and all related activities.
2. The demarcation referred to in paragraph I of this article shall be effected by such aids to navigation as the Commission deems appropriate.
3. The Commission shall be comprised of three (3) representatives of each country together with such advisors as may be deemed necessary and whose names shall be duly communicated through diplomatic channels.
4. The Commission shall convene within three (3) months following the date of the entry into force of the present Treaty and thereafter whenever requested by either Contracting Party or by the Commission itself. Meetings of the Commission shall be held alternatively in the Republic of Trinidad and Tobago and the Republic of Venezuela.

Article VI

Without prejudice to the rights of navigation and overflight recognized under international law in the other areas under the sovereignty and/or jurisdiction of the Contracting Parties, in the existing strait between the island of Trinidad and the island of Tobago, Venezuelan vessels and aircraft shall enjoy freedom of navigation and overflight for the sole purpose of expeditious and uninterrupted transit through the maritime areas in question, which shall henceforth be termed the right of transit passage. Transit passage does not preclude passage through or over maritime areas for the purpose of entering or leaving Trinidad and Tobago subject to the conditions regulating entry into ports or similar access conditions. In the other straits which exist in the Gulf of Paria, innocent passage shall apply.

Article VII

Unity of deposits

If any single geological petroleum structure or petroleum field, or any single geological structure or field of any other mineral deposit, including sand and gravel, extends across the delimitation line and the part of such structure or field which is situated on one side of the delimitation line is exploitable, wholly or in part, from the other side of the said line, the Contracting Parties shall, after holding the appropriate technical

consultations, seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the costs and benefits arising from such exploitation shall be apportioned.

Article VIII

In cases where either of the two Contracting Parties decides to carry out or to permit drilling activities for exploration or exploitation in areas five hundred metres (500m) away from the delimitation line, such activities should be made known to the other Party.

Article IX

The Contracting Parties shall adopt all measures for the preservation of the marine environment in the marine areas to which the present Treaty refers. Consequently, the Parties agree:

- (a) To provide the other Party with information on the legal provisions and on its experience in the preservation of the marine environment;
- (b) To provide information on the authorities which are competent for ascertaining and taking decisions on pollution matters;
- (c) To inform each other about any indication of actual, imminent or potential pollution of a serious nature which occurs in the maritime frontier zone.

Article X

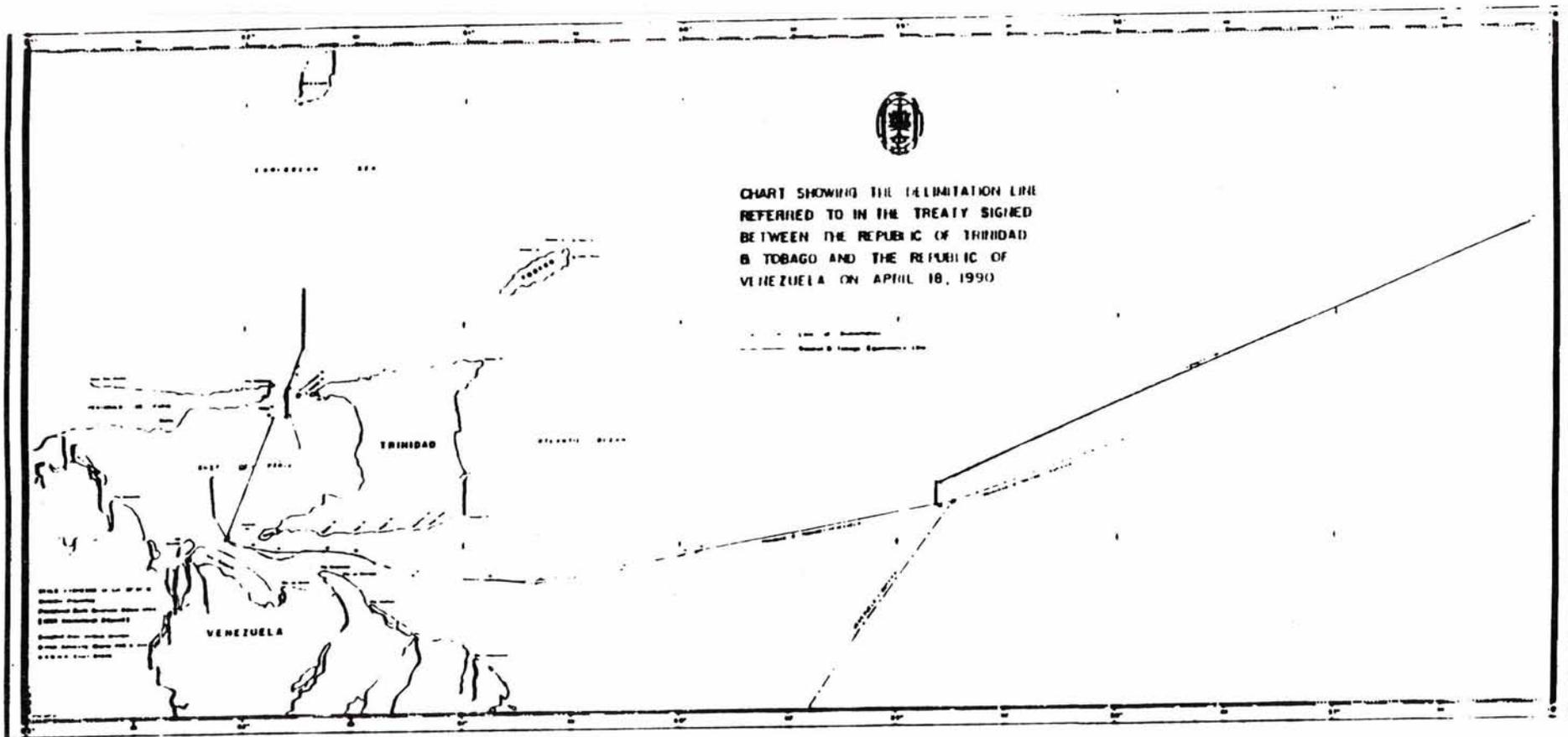
Settlement of disputes

Any difference or dispute arising out of the interpretation or application of this Treaty shall be settled peacefully by direct consultation or negotiation between the Contracting Parties.

Article XI

1. This Treaty shall be subject to ratification and shall enter into force from the date of the exchange of instruments of ratification which shall take place in Port of Spain as soon as possible.
2. The Treaty between His Majesty in respect of the United Kingdom and the President of the United States of Venezuela relating to the submarine areas of the Gulf of Paria, signed at Caracas on 26 February 1942, and the Agreement between the Government of the Republic of Trinidad and Tobago and the Government of the Republic of Venezuela on the delimitation of marine and submarine areas (First Phase), signed at Port of Spain on 4 August 1989, shall cease to have effect between the Contracting Parties on their becoming bound by this Treaty.

DONE in the City of Caracas, on the 18th day of the month of April, One Thousand Nine Hundred and Ninety, in duplicate in the English and Spanish languages, both texts being equally authoritative.



(n) Agreement between the Government of the French Republic and the Government of the Kingdom of Belgium on the Delimitation of the Territorial Sea of 8 October 1990

[Original: French]

The Government of the French Republic and the Government of the Kingdom of Belgium;

Desiring to establish the course of the line delimiting the territorial sea of the French Republic and that of the Kingdom of Belgium;

Desiring to take account of all the existing rules applicable to the delimitation of maritime spaces, with a view to arriving at an equitable solution;

Have agreed as follows:

Article 1

1. The boundary between the territorial sea of the French Republic and the territorial sea of the Kingdom of Belgium shall be a line composed of loxodromes connecting, in the sequence given, the points defined as follows by their coordinates:

	<u>East longitude</u>	<u>North latitude</u>
Point 1	02° 32' 37"	51° 05' 37"
Point 2	02° 23' 25"	51° 16' 09"

2. The coordinates of the points specified in paragraph 1 are defined on European Datum (1st Adjustment 1950).

3. The line defined in paragraph 1 has been drawn, for purposes of illustration only, on the map annexed to this Agreement.

Article 2

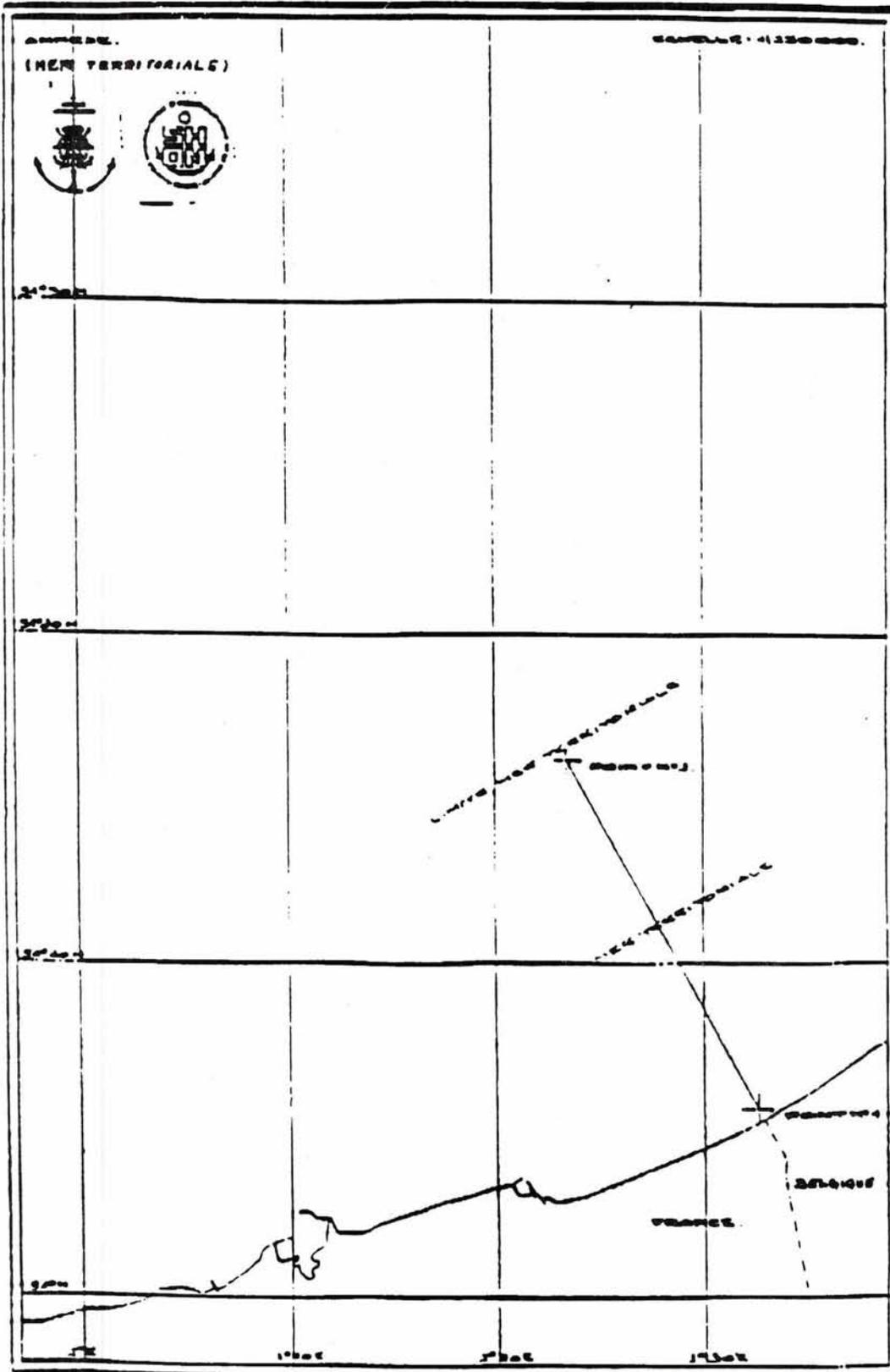
The points defined above have been determined by taking into account low-tide elevations at the approaches to the French and Belgian coasts. However, the application by France and Belgium of different methods for calculating the elevations has resulted in two different delineations. It has therefore been agreed that the area comprised within these two delineations shall be divided into two equal parts.

Article 3

Each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement. This Agreement shall enter into force on the date of receipt of the last notification.

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

DONE at Brussels on 8 October 1990.



(o) Agreement between the Government of the French Republic and the Government of the Kingdom of Belgium on the Delimitation of the Continental Shelf of 8 October 1990

[Original: French]

The Government of the French Republic and the Government of the Kingdom of Belgium;

Desiring to establish the course of the line delimiting the continental shelf between the French Republic and the Kingdom of Belgium;

Desiring to take account of all the existing rules applicable to the delimitation of maritime spaces, with a view to arriving at an equitable solution;

Have agreed as follows:

Article 1

1. The boundary between the continental shelf of the French Republic and the continental shelf of the Kingdom of Belgium shall be a line composed of loxodromes connecting in the sequence given, the points defined as follows by their coordinates:

	<u>East longitude</u>	<u>North latitude</u>
Point 2	02° 23' 25"	51° 16' 09"
Point 3	02° 14' 18"	51° 33' 28"

2. The coordinates of the points specified in paragraph 1 are defined on European Datum (1st Adjustment 1950).

3. The line defined in paragraph 1 has been drawn, for purposes of illustration only, on the map annexed to this Agreement.

Article 2

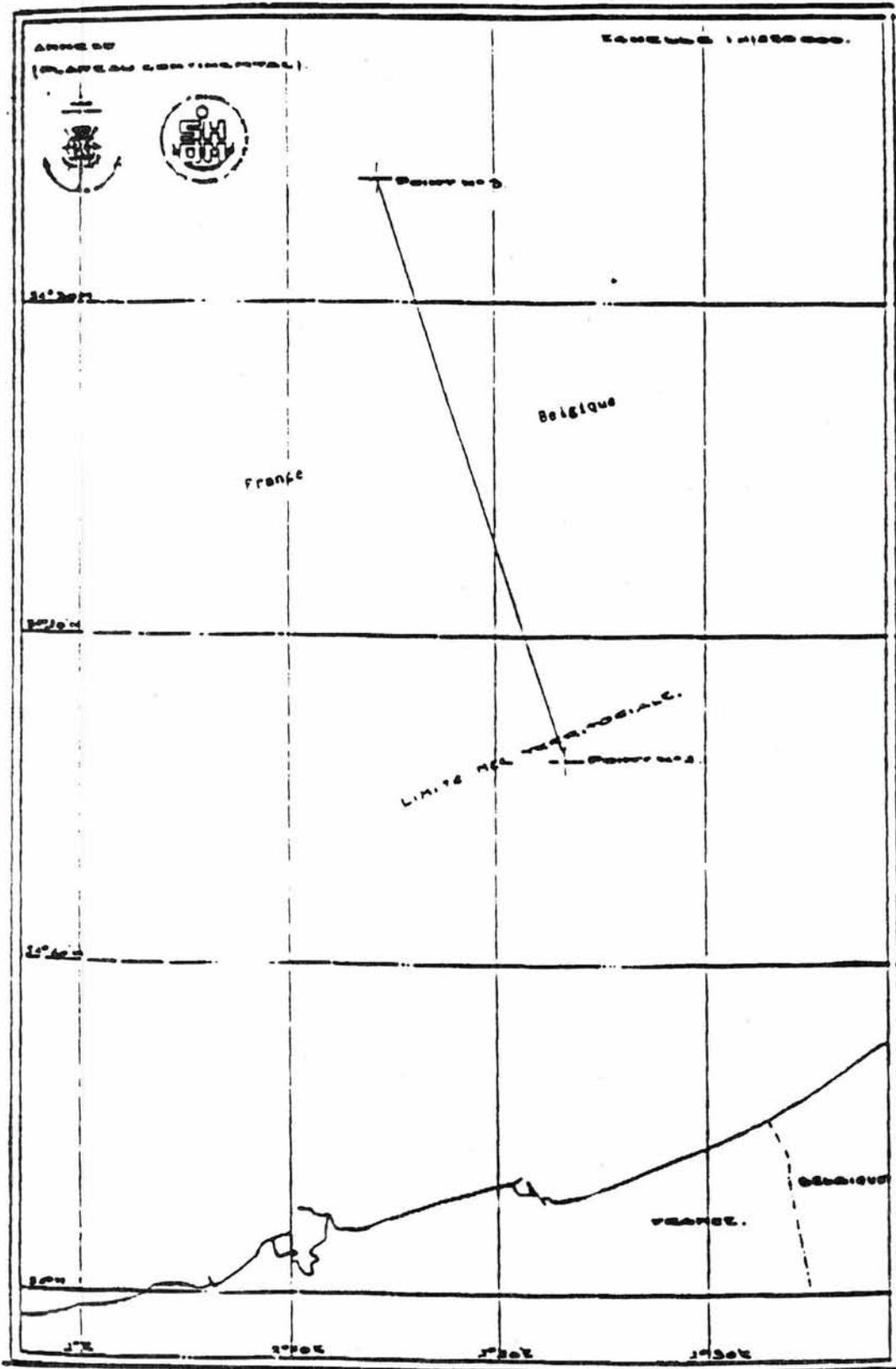
The points defined above have been arrived at after an attempt to find an equitable solution on the basis mainly of a compromise between two assumptions, one taking into account the low-tide elevations at the approaches to the French and Belgian coasts, and one taking into account the low-water line of the coast.

Article 3

Each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement. This Agreement shall enter into force on the date of receipt of the last notification.

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

DONE at Brussels on 8 October 1990.



(p) Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Belgium relating to the Delimitation of the Continental Shelf between the Two Countries of 29 May 1991

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Belgium,

Desiring to establish the common boundary between their respective parts of the continental shelf, taking full account of the current rules of international law on international boundaries in order to achieve an equitable solution,

Have agreed as follows:

Article 1

1. The boundary between that part of the continental shelf which appertains to the United Kingdom of Great Britain and Northern Ireland and that part which appertains to the Kingdom of Belgium shall be a line composed of loxodromes joining in the sequence given the points defined as follows by their coordinates:

1.	51° 33' 28" N	02° 14' 18" E
2.	51° 36' 47" N	02° 15' 12" E
3.	51° 48' 18" N	02° 28' 54" E

The positions of the points in this Article are defined by latitude and longitude on European Datum (1st Adjustment 1950).

2. The dividing line has been drawn by way of illustration on the chart annexed to this Agreement.

Article 2

1. If any single geological mineral oil or natural gas structure or field, or any single geological structure or field of any other mineral deposit extends across the boundary and the part of such structure or field which is situated on one side of the boundary is exploitable, wholly or in part, from the other side of the boundary, the Contracting Parties shall seek to reach agreement as to the exploitation of such structure or field.

2. In this Article the term "mineral" is used in its most general, extensive and comprehensive sense and includes all non-living substances occurring on, in or under the ground, irrespective of chemical or physical state.

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

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

DONE in duplicate at Brussels the 29th day of May 1991, in the English, French and Dutch languages, the three texts being equally authoritative.

(q) Agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the Completion of the Delimitation of the Continental Shelf in the Southern North Sea, 23 July 1991

The Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland;

Recalling article 2(2) of their Agreement of 24 June 1982 relating to the delimitation of the continental shelf in the area east of 30 minutes West of the Greenwich meridian, according to which the delimitation from point 14 to the tripoint between the boundaries of the continental shelf appertaining respectively to the Parties and to the Kingdom of Belgium is to be completed at the appropriate time by application of the same methods as were utilized for the definition of the boundary line between points 1 and 14;

Noting that, following the discovery of a material error in the coordinates used for the Banc Breedt in 1982, the coordinates of points 13 and 14 were corrected by the Note from the Ministry of Foreign Affairs to the British Embassy in Paris dated 21 March 1990 and the Embassy's Note in reply dated 27 March 1990;

Desiring to complete the definition of the boundary beyond point 14;

Have agreed as follows:

Article 1

1. The tripoint between the boundaries of the continental shelf appertaining respectively to the Parties and to the Kingdom of Belgium shall be defined on European Datum (1st Adjustment 1950), as follows:

Point 15: Lat. 51° 33' 28"N Long. 2° 14' 18"E

2. The boundary between the parts of the continental shelf which appertain to the United Kingdom and the French Republic respectively in the area of the southern North Sea shall be a loxodrome joining points 14 and 15.

3. The boundary defined in paragraph 2 is illustrated on the chart annexed to this Agreement.

Article 2

It is hereby recorded that the corrected coordinates for points 13 and 14 are as follows:

Point 13: Lat. 51° 20' 11"N Long. 2° 02' 18"E
Point 14: Lat. 51° 30' 14"N Long. 2° 07' 18"E

Article 3

1. Each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement.
2. The Agreement shall enter into force on the date when the last notification is received.

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

DONE in duplicate at London this 23rd day of July 1991 in the English and French languages, both texts equally authoritative.

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