



# **The Law of the Sea**

---

## **Practice of Archipelagic States**



Office for Ocean Affairs and the Law of the Sea  
**United Nations**

Office for Ocean Affairs and the Law of the Sea



# The Law of the Sea

---

Practice of Archipelagic States



United Nations · New York, 1992

#### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country or territory or of its authorities, or concerning the delimitation of its frontiers.

---

UNITED NATIONS PUBLICATION

---

Sales No. E.92.V.3

---

ISBN 92-1-133423-3

Copyright © United Nations, 1992  
All rights reserved

## INTRODUCTION

1. The present publication is complementary to the study devoted to Part IV (Archipelagic States) of the Convention, 1/ which provides a legislative history of articles 46 to 54 of the Convention as it evolved during the Third United Nations Conference on the Law of the Sea. The purpose of the present publication is to show the practice of States in relation to the new concept. The first part consists of a compilation of legislations relating to maritime claims, with illustrative maps when available, showing the archipelagic baselines; reproduced in the second part are bilateral/multilateral treaties having to do with the delimitation of the maritime areas.
2. The Convention for the first time recognizes the concept of "archipelagic states" (article 46). States which are constituted by one or more mid-ocean archipelagos may, under certain conditions, draw straight baselines joining the outermost islands and drying reefs of the archipelago (article 47). These lines, known as "archipelagic baselines", are used to measure the breadth of the State's territorial sea, contiguous zone, exclusive economic zone and continental shelf (article 48). The waters enclosed within archipelagic baselines are known as "archipelagic waters", and an archipelagic State exercises sovereignty over such waters, its seabed, subsoil and the airspace above (article 49).
3. Through these waters ships of all States enjoy the right of innocent passage similar to that enjoyed in the territorial sea (article 52). The Convention also recognizes a right of archipelagic sea-lanes passage for ships through routes normally used for international navigation. The archipelagic State may designate such sea lanes itself and may also establish traffic separation schemes. Sea-lanes passage is the exercise, in accordance with the Convention, of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit through the archipelagic waters (article 53).
4. The questions relating to "archipelagic States" as such had not been fully discussed in international codification conferences until the Third United Nations Conference on the Law of the Sea (hereinafter referred to as "the Conference"). However, the question of archipelagos, and especially that of coastal archipelagos, had been taken up mostly in connection with the question of coastal baselines in several academic and intergovernmental forums after the turn of the century. Thus the question was discussed, without conclusive results, at the 1889, 1927 and 1928 sessions of the Institut de Droit International, the 1924 and 1926 meetings of the International Law Association and the 1930 Hague Codification Conference.
5. The first important legal development regarding archipelagos was the judgment of the International Court of Justice in the Anglo-Norwegian Fisheries case in 1951. In rejecting the contention of the United Kingdom of Great Britain and Northern Ireland, which was based on the analogy with the "general rule" of 10 miles relating to bays, that the length of the straight baselines drawn between outermost islands along the Norwegian coast must not exceed 10 miles, the Court ruled that State practice did not justify the

formulation of any such general rule and that the attempts "to subject groups of islands or coastal archipelagos to conditions analogous to the limitations concerning bays ... have not got beyond the stage of proposals". <sup>2/</sup> The Court concluded that the method of straight baselines employed by Norway in connecting the outermost islands adjacent to its coast was not contrary to international law.

6. Although the Fisheries case dealt with coastal archipelagos (skjaergaards), some Governments and scholars held the view that the method of straight baselines should apply also to mid-ocean archipelagos. Thus, when the International Law Commission started its work on the régime of the territorial sea, its Special Rapporteur, J.P.A. François, included in his first draft articles an article 10 (Group of islands) referring to coastal islands as well as "un groupe d'îles (archipel)", <sup>3/</sup> providing for a 10-mile baseline with regard to such islands. This was revised, in the amendments and additions to his second report, to allow the method of straight baselines between more than two islands situated less than five miles from each other. The provision concerning archipelagos was, however, eventually deleted because of the opposition of other Commission members. The Commission's final draft thus contained provisions relating only to cases where there was a fringe of islands in the immediate vicinity of a coastal State. These provisions, which had taken into account the above-mentioned judgment, became the basis for article 4 of the Convention on the Territorial Sea and the Contiguous Zone adopted at the first United Nations Conference on the Law of the Sea. That article, in turn, was followed closely in the drafting of article 7 (Straight baselines) of the 1982 Convention.

7. At the first United Nations Conference on the Law of the Sea, the Philippines and Yugoslavia submitted proposals regarding the application of straight baseline methods to mid-ocean archipelagos, but they were eventually withdrawn for lack of support. The Yugoslav proposal was subsequently reintroduced by Denmark, but it was also withdrawn after the argument had been made that the question of archipelagos required considerably more study.

8. At the Second Law of the Sea Conference, the question of mid-ocean archipelagos was raised by Indonesia and the Philippines. That Conference, however, did not reach any conclusion on the matter.

9. Thereafter, there was no major development on the question of archipelagos in multilateral negotiations until the Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction started in 1971 its preparatory work for the Conference.

#### Notes

<sup>1/</sup> United Nations publication, Sales No. E.90.V.2.

<sup>2/</sup> I.C.J. Reports 1951, p. 131.

<sup>3/</sup> Yearbook of the International Law Commission, 1953, vol. II (United Nations publication, Sales No. 59.V.4, Vol. II), p. 77.

## CONTENTS

|   | <u>Page</u> |
|---|-------------|
| I. NATIONAL LEGISLATIONS IN RELATION TO MARITIME CLAIMS.....  | 1           |
| 1. ANTIGUA AND BARBUDA.....   | 1           |
| Maritime Areas Act, 1982.....   | 1           |
| 2. CAPE VERDE.....  | 17          |
| Decree-Law No. 126/77 of 31 December 1977.....  | 17          |
| 3. COMOROS.....   | 20          |
| Law No. 82-005 relating to the delimitation of the maritime<br>zones of the Islamic Federal Republic of the Comoros,<br>28 July 1982..... | 20          |
| 4. FIJI.....  | 23          |
| (a) Marine Spaces Act, 1977.....  | 23          |
| (b) Interpretation (Amendment) Act, 1977.....   | 36          |
| (c) Marine Spaces (Amendment) Act, 1977.....  | 37          |
| (d) Marine Spaces (Archipelagic Baselines and Exclusive<br>Economic Zone) Order, 1981.....  | 40          |
| (e) Marine Spaces (Territorial Seas) (Rotuma and its<br>dependencies) Order, 1981.....  | 43          |
| 5. INDONESIA.....   | 45          |
| (a) Act No. 4 concerning Indonesian Waters, 18 February 1960.   | 45          |
| (b) Declaration of an Indonesian exclusive economic zone of<br>21 March 1980.....   | 54          |
| 6. KIRIBATI.....  | 56          |
| Marine Zones (Declaration) Act, 1983.....   | 56          |
| 7. PAPUA NEW GUINEA.....  | 61          |
| National Seas Act, 1977.....  | 61          |

CONTENTS (cont.)

|   | <u>Page</u> |
|---|-------------|
| 8. PHILIPPINES.....   | 75          |
| (a) Republic Act No. 3046 of 17 June 1961.....                  | 75          |
| (b) Republic Act No. 5446 of 18 September 1968.....             | 76          |
| (c) Presidential Decree No. 1599 of 11 June 1978.....           | 84          |
| 9. SAINT VINCENT AND THE GRENADINES.....                        | 86          |
| Maritime Areas Act, 1983.....                                   | 86          |
| 10. SAO TOME AND PRINCIPE.....                                  | 93          |
| (a) Decree-Law No. 14/78 of 16 June 1978.....                   | 93          |
| (b) Decree-Law No. 15/78 of 16 June 1978.....                   | 95          |
| (c) Decree-Law No. 48/82 [on geographic coordinates].....       | 97          |
| 11. SOLOMON ISLANDS.....  | 100         |
| (a) The Delimitation of Marine Waters Act, 1978.....            | 100         |
| (b) Declaration of Archipelagos of Solomon Islands, 1979.....   | 105         |
| (c) Declaration of Archipelagic Baselines, 1979.....            | 105         |
| 12. TRINIDAD AND TOBAGO.....                                    | 109         |
| (a) Territorial Seas Act, 1969.....                             | 109         |
| (b) Archipelagic Waters and Exclusive Economic Zone Act, 1986.. | 112         |
| 13. TUVALU.....   | 124         |
| Marine Zones (Declaration) Ordinance, 1983.....                 | 124         |
| 14. VANUATU.....  | 131         |
| The Maritime Zones Act, 1981.....                               | 131         |

CONTENTS (cont.)

|   | <u>Page</u> |
|---|-------------|
| II. TREATIES.....   | 136         |
| <br><u>Indonesia/Malaysia</u>   |             |
| (a) Agreement between the Government of Malaysia and the Government of Indonesia on the delimitation of the continental shelves between the two countries. Done at Kuala Lumpur on 27 October 1969.....   | 136         |
| Date of entry into force: 7 November 1969   |             |
| (b) Treaty between the Republic of Indonesia and Malaysia on determination of boundary lines of territorial waters of the two nations at the Strait of Malacca, 17 March 1970.....  | 142         |
| Date of entry into force: 10 March 1971   |             |
| (c) Treaty between Malaysia and the Republic of Indonesia relating to the legal regime of archipelagic State and the rights of Malaysia in the territorial sea and archipelagic waters as well as in the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia, 25 February 1982..... | 144         |
| Date of entry into force: 25 May 1984   |             |
| <br><u>Thailand/Indonesia</u>   |             |
| (a) Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of a continental shelf boundary between the two countries in the northern part of the Straits of Malacca and in the Andaman Sea, 17 December 1971.....   | 156         |
| Date of entry into force: 7 April 1973  |             |
| (b) Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of the seabed boundary in the Andaman Sea, 11 December 1975.....   | 159         |
| Date of entry into force: 18 February 1978  |             |
| <br><u>Thailand/Indonesia/Malaysia</u>  |             |
| Agreement between Thailand, Indonesia and Malaysia relating to the delimitation of the continental shelf boundaries in the northern part of the Straits of Malacca, Kuala Lumpur, 21 December 1971.....   | 162         |
| Date of entry into force: 16 July 1972  |             |

## I. NATIONAL LEGISLATIONS IN RELATION TO MARITIME JURISDICTION

### 1. ANTIGUA AND BARBUDA

#### Maritime Areas Act, 1982 <sup>1/</sup>

An Act to provide for the extension of the limits of the territorial sea of Antigua and Barbuda, to make provision with respect to the continental shelf of Antigua and Barbuda, to provide for the drawing of archipelagic baselines and the enclosing of archipelagic waters in relation to Antigua and Barbuda and to make provisions for contiguous, exclusive economic and fishing zones and for matters connected therewith or incidental thereto.

[Reprinted 15 September 1986]

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Maritime Areas Act 1982.

2. Interpretation

In this Act:

"archipelagic waters" means the waters defined in section 2B;

"baselines" means the baselines of the territorial sea specified in section 4;

"Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act;

"continental shelf" means the continental shelf of Antigua and Barbuda as defined in section 6;

"exclusive economic zone" means the exclusive economic zone of Antigua and Barbuda as defined in section 7;

"fishery zone" means the fishing zone of Antigua and Barbuda as defined in section 8;

"foreign ship" means the ship of a foreign State;

"foreign State" means a State other than Antigua and Barbuda;

---

<sup>1/</sup> Text transmitted to the Office by the Permanent Mission of Antigua and Barbuda to the United Nations in a letter of 1 April 1987.

Illustrative map: United Nations Cartographic Unit, November 1988.

"innocent passage" means passage which is not deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda;

"internal waters" means the internal waters of Antigua and Barbuda as defined in section 2A;

"low-water line" means the low-water line of the coasts of Antigua and Barbuda at lowest astronomical tide;

"Minister" means the Minister responsible for External Affairs;

"nautical mile" means the International Nautical Mile of 1852 metres;

"passage" means the navigation of a ship in archipelagic waters or territorial sea without stopping or hovering, but includes stopping, hovering and anchoring in so far as the same are rendered necessary by force majeure or by reason of distress or for the purpose of affording assistance to persons, ships or aircraft in danger or distress;

"ship" includes vessel, boat or sea-craft of any kind;

"submarine areas" includes the sea-bed and subsoil thereof;

"territorial sea" means the territorial sea of Antigua and Barbuda as defined in section 3.

## 2A. Internal waters

(1) The internal waters of Antigua and Barbuda comprise the areas of the sea that are on the landward side of:

- (a) the low-water line; or
- (b) closing lines prescribed pursuant to subsection (2).

(2) The Minister may, whenever he considers it appropriate to do so having regard to international law and practice, by order prescribe closing lines for the purpose of defining any of the internal waters of Antigua and Barbuda.

## 2B. Archipelagic waters

The archipelagic waters of Antigua and Barbuda comprise the areas of the sea (other than internal waters) on the landward side of the baselines.

## 3. Limits of territorial sea

(1) Subject to subsection (2), the territorial sea of Antigua and Barbuda comprises those areas of the sea having, as their landward limit, the baseline and, as their seaward limit, a line measured seaward from the baselines, every point of which is twelve nautical miles distant from the nearest point of the baselines.

(2) Where the equidistance line between Antigua and Barbuda and a foreign State is less than 12 nautical miles from the nearest point of the baselines, the delimitation of the territorial sea shall, if practical, be effected by agreement between Antigua and Barbuda and the foreign State; but to the extent that no such agreement is effected, the equidistance line shall constitute the seaward limit of the territorial sea.

(3) In this section, "equidistance line" as between Antigua and Barbuda and a foreign State, means a line every point of which is equidistant from the nearest point of the baselines and the corresponding baselines of the foreign State.

#### 4. Baselines of territorial sea

The baselines, for the purpose of measuring the breadth of the territorial sea, shall be straight archipelagic baselines drawn in relation to Antigua and Barbuda.

#### 5. Contiguous zone

(1) Subject to subsection (2), the contiguous zone of Antigua and Barbuda comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their seaward limit, a line, measured seaward from the baselines, every point of which is twenty-four nautical miles distant from the nearest point of the baselines.

(2) The contiguous zone shall not extend into any part of the territorial sea of a foreign State and, where appropriate, subsection (1) shall operate as though it were modified to the extent necessary to meet the requirement of this subsection in any particular case.

(3) Antigua and Barbuda has and may exercise in respect of the contiguous zone such sovereign rights as Antigua and Barbuda deems necessary to prevent, or punish the infringement, within Antigua and Barbuda (including the archipelagic waters and the territorial sea), of any enactment providing controls or prohibitions for or with respect to customs fiscal, immigration or sanitation.

#### 6. Continental shelf

(1) Subject to subsection (3), the continental shelf of Antigua and Barbuda comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Antigua and Barbuda to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the nearest point of the baselines when the outer edge of the continental margin does not extend up to that distance.

(2) For the purposes of subsection (1), wherever the continental margin extends beyond two hundred nautical miles from the nearest point of the baselines, the outer limits of the continental shelf shall be established with all due regard to the requirements and limitations of international law relevant to the establishment and delineation of the continental shelf beyond that distance.

(3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Antigua and Barbuda consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridge or the subsoil thereof.

6A. Delimitation of continental shelf in certain cases

(1) Wherever the equidistance line between Antigua and Barbuda and a foreign State is less than two hundred miles from the nearest point of the baselines, the delimitation of the continental shelf shall be effected by agreement between Antigua and Barbuda and the foreign State on the basis of international law in order to achieve an equitable settlement.

(2) In this section, "equidistance", as between Barbuda and Antigua and a foreign State, means a line every point of which is equidistant from the point of the baselines and the corresponding baselines of the foreign State.

7. Exclusive economic zone

The exclusive economic zone comprises those areas of the sea and of the submarine area that are beyond and adjacent to the territorial sea, having as their seaward limit a boundary line which at every point is a distance of two hundred nautical miles or such other lesser distance from the nearest point of the baselines as the Minister by order prescribes.

8. Fishery Zone

The fishery zone comprises those areas of the sea that are beyond and adjacent to the territorial sea, having as their seaward limit a boundary line which at every point is a distance of two hundred nautical miles or such other lesser distance from the nearest point of the baselines as the Minister by order prescribes.

9. Antigua and Barbuda exercises sovereignty over:

- (a) the internal waters, archipelagic waters and territorial sea; and
- (b) the airspace over and the bed and subsoil of the internal waters, archipelagic waters and territorial sea.

10. In the exclusive economic zone Antigua and Barbuda shall, subject to international law, exercise:

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, of the exclusive economic zone as well as sovereign rights with regard to producing energy from tides, winds and currents in the exclusive economic zone;
- (b) jurisdiction with regard to:
  - (i) the establishment and use of artificial islands, installations and structures;
  - (ii) marine scientific research; and
  - (iii) the protection and preservation of the marine environment; and

- (c) such other rights and duties for which provision is made by international law.

#### 11. Jurisdiction in fishery zone

In the fishery zone Antigua and Barbuda shall exercise the sovereign right and exclusive authority to explore and exploit, conserve and manage the fishery resources of the fishery zone and the submarine areas thereof in accordance with international law.

#### 11A. Jurisdiction in respect of the continental shelf

In respect of the continental shelf Antigua and Barbuda shall, subject to international law, exercise:

- (a) sovereign rights for the purpose of the exploration for, and the exploitation and management of, natural resources;
- (b) the exclusive rights 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) or any other economic purposes;
  - (iii) installations and structures which may interfere with the exercise of Antigua and Barbuda rights in respect of the continental shelf; and
- (c) the exclusive right to regulate, authorize and conduct marine scientific research.

#### 12. International activities in exclusive economic zone

Antigua and Barbuda recognizes the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other related activities on or within the continental shelf or the exclusive economic zone in accordance with the principles, practice and provisions of international law.

#### 13. Negotiating maritime boundaries

Where the sea or waters of any foreign State are adjacent or opposite to the territorial sea, the continental shelf or the exclusive economic zone and there is any dispute, difference or disagreement between that foreign State and Government concerning any matter or thing relating to the seaward limits of the territorial sea, the continental shelf or the exclusive economic zone, it shall be lawful for Government to enter into negotiations with that foreign State with a view to resolving or otherwise settling such dispute, difference or disagreement.

#### 14. Entitlement to right of innocent passage

(1) Subject to subsection (2) and section 15(1A) and 15(1B), a foreign ship shall be entitled to enjoy the right of innocent passage in Antigua and Barbuda.

(2) A foreign ship of war shall not navigate in archipelagic waters and territorial sea without prior permission of the Competent Authority obtained by the State of which the ship belongs.

15. Non-innocent passage

(1) Subject to subsection (2), the passage of a foreign ship shall be deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda if, without the prior permission of the Competent Authority obtained by the captain or person in charge of the ship, the ship while in archipelagic waters or territorial sea engages in any of the following activities:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Antigua and Barbuda, 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 Antigua and Barbuda;
- (d) the launching, landing or taking on board of any aircraft or military device;
- (e) the loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws;
- (f) any wilful act of pollution calculated or likely to cause damage or harm to Antigua and Barbuda, its resources or its marine environments;
- (g) any fishing activities;
- (h) the carrying out of research or survey activities;
- (i) any act aimed at interfering with any systems of communication or any other facilities or installations of Antigua and Barbuda; or
- (j) such other activity as may be prescribed.

(1A) In the archipelagic waters or the territorial sea, any submarine or other underwater vehicle is, for the purpose of exercising the right of innocent passage, required to navigate on the surface and to show its flag.

(1B) The Minister may, by Order published in the Gazette, suspend the right of innocent passage for such and in such of the archipelagic waters or the territorial sea as specified in the Order, where he is satisfied that it is essential to do so for the protection of the security of Antigua and Barbuda, including weapon exercises.

(2) The passage of a foreign ship of war in the archipelagic waters or the territorial sea shall be deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda if the ship navigates in the archipelagic waters or the territorial sea without the permission required by section 14(2).

15A. Transit passage

(1) Every foreign ship or aircraft may, subject to and in accordance with this Act and international law, exercise in relation to a relevant strait the right of transit passage, that is to say, the right of freedom of navigation for the purpose of continuous and expeditious transit of the relevant strait.

(2) For the purposes of subsection (1), a foreign ship or aircraft that engages in a relevant strait in any activity of a kind referred to in section 15(1) shall be deemed to have engaged in an activity which is not an exercise of the right of transit passage.

(3) In exercising the right of transit passage of a relevant strait a foreign ship shall comply with:

- (a) generally accepted international regulations, procedures and practices for safety at sea, or for the prevention, reduction and control of pollution from ships, which have effect in the strait; and
- (b) the provisions of the regulations, and any enactment, order or direction, which have effect in the strait, for or with respect to:
  - (i) the safety of navigation and the regulation of marine traffic, including the use of sea lanes and the operation of traffic separation schemes;
  - (ii) fishing vessels, and the prevention of fishing including the stowage of fishing gear; and
  - (iii) customs, excise, immigration or sanitation controls in relation to the loading or unloading of any commodity, currency or person.

(4) In exercising the right of transit passage of a relevant strait, an aircraft:

- (a) shall observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft, and a State aircraft shall normally comply with such safety measures and shall at all times operate with due regard for the safety of navigation; and
- (b) shall at all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.

(5) In this section, "relevant strait" means a strait between Antigua and Barbuda and a foreign State which is being used for international navigation between:

- (a) one part of the high seas or an exclusive economic zone; and
- (b) another part of the high seas or an exclusive economic zone.

15B. Archipelagic sea lanes passage

(1) Every foreign ship or aircraft may, subject to and in accordance with this Act and international law, exercise the right of archipelagic sea lanes passage, that is to say, the right of navigation and overflight in the normal mode through or over archipelagic waters for the purpose of continuous, expeditious and unobstructed transit between:

- (a) one part of the high seas or an exclusive economic zone; and
- (b) another part of the high seas or an exclusive economic zone.

(2) Subject to subsection 4, the right of archipelagic sea lanes passage shall be exercised only through sea lanes or air routes designated pursuant to section 20C.

(3) In exercising the right of archipelagic sea lanes passage a foreign ship shall observe international regulations, procedures and practices of the kind referred to in section 15A(3)(a), and regulations, enactments, orders or directions of the kind referred to in section 15A(3)(b), which have effect in the archipelagic waters.

(4) If the Minister does not, pursuant to section 20C, designate sea lanes or air routes through or over archipelagic waters, the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.

16. Power of police and authorized persons

(1) Where a foreign ship engages in any of the activities specified in section 15(1) or where a submarine or other underwater vehicle fails to comply with section 15(1A) or where a member of the Police Force or person authorized by the Minister in writing suspects upon reasonable grounds that a foreign ship is engaged in any such activities, such member of the Police Force or authorized person may:

- (a) stop and board the offending ship for the purpose of carrying out enquiries and investigations;
- (b) without a warrant arrest the offending ship and bring it to a port in Antigua and Barbuda;
- (c) without a warrant arrest the captain and any person on board the ship participating in the activity of the ship which is deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda.

(2) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda, the captain or other person in charge of such ship and any person participating in the activities of the ship which is deemed to be so prejudicial, is guilty of an offence under this Act.

(3) In the exercise under this section of the power of enforcement against a foreign ship a member of the Police Force or a person authorized by the Minister shall not endanger the safety of navigation or otherwise create any hazard to the ship, or bring the ship to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

#### 17. Immunity

(1) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda and the ship or any person on board thereof who participates in the activity which is deemed to be prejudicial is entitled to State or other immunity recognized by law, the State of such ship and the State of nationality of such person shall be deemed to bear international responsibility for the activity of the ship.

(2) Where the flag State of a ship or the State of nationality of a person is deemed to bear international responsibility under this section, the Minister shall take all steps possible to obtain redress under international law.

#### 18. Jurisdiction

(1) For the purpose of the exercise of the jurisdiction of the courts of Antigua and Barbuda, the territory of Antigua and Barbuda shall include the internal waters, the archipelagic waters and the territorial sea.

(2) Where any offence punishable on summary conviction is committed or suspected to have been committed within or in relation to the internal waters, the archipelagic waters or the territorial sea, the offence may be dealt with and determined by a magistrate appointed to any magisterial District, and such magistrate shall have and exercise all the powers, privileges, rights and jurisdiction as are conferred on him by the Magistrate's Code of Procedure Act.

(3) The quasi-criminal and the civil jurisdiction conferred on a magistrate by the Magistrate's Code of Procedure Act shall in relation to the internal waters, archipelagic waters and the territorial sea be exercised by a magistrate appointed to any magisterial District.

(4) The jurisdiction conferred on any court under this Act shall be without prejudice to any jurisdiction conferred on or exercisable by such court apart from this Act.

#### 18A. Charts of maritime areas, etc.

- (a) the low-water line, closing lines prescribed pursuant to section 2A(2), or the baselines;
- (b) the seaward limits of the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone;
- (c) the axis of sea lanes or traffic separation schemes designated or prescribed pursuant to section 20C.

18B. Evidence of charts, etc.

A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 18A, shall be received in any proceedings as evidence of any matter referred to in that section and shown in the document.

18C. Publicity of charts, etc.

The Minister shall cause:

- (a) due publicity to be given to charts or lists of geographical co-ordinates prepared pursuant to section 18A; and
- (b) a copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

19. Regulations

(1) The Minister may make regulations:

- (a) for the safety of navigation and the regulation of marine traffic;
- (b) for the conservation of the living resources of the sea;
- (c) for the preservation of the marine environment of Antigua and Barbuda and the prevention and control of pollution thereto;
- (d) generally, for regulating the use of the internal waters, the archipelagic waters and the territorial sea including prescribing the fees to be paid for any activity in relation thereto;
- (e) providing for the forfeiture to the Crown of any ship engaged, or any equipment used, in any of the activities specified in section 15; and
- (f) annexing to the contravention of any regulation made under this section a punishment on summary conviction of a fine of twenty thousand dollars or of imprisonment for a term of 2 years or both.

(2) Regulations made under this section shall be subject to affirmative resolution of the Legislature and shall be judicially noticed.

20. Offence

(1) A person who assaults or obstructs a person acting under the authority of this Act or the regulations is guilty of an offence under this Act.

(2) A person who is guilty of an offence under subsection (1) or section 16(2) is liable:

- (a) on conviction or indictment to a fine of one hundred thousand dollars or imprisonment for a term of 5 years or both; or
- (b) on summary conviction to a fine of twenty thousand dollars or imprisonment for a term of 2 years or both.

(3) The court may in addition to any penalty which it may impose under this section for an offence under section 16(2), order the forfeiture to the Crown of any ship engaged, or equipment used, in any activity which is the subject of the offence.

20A. Arrest on board foreign ship in territorial sea, etc.

(1) Subject to this section, where an offence is committed on board a foreign ship (being a merchant ship or a 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 ship during that passage, only if:

- (a) the consequences of the offence extend to Antigua and Barbuda;
- (b) the offence is of a kind likely to disturb the peace of Antigua and Barbuda 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 ship 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.

(2) The limitations in subsection (1) shall not apply in any case where a foreign ship is passing through the territorial sea after leaving internal waters.

(3) Subject to this section where a foreign ship, proceeding from a port outside Antigua and Barbuda, 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 clear grounds for believing that the ship 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 ships; or
  - (ii) any provision of the regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) there are clear grounds for believing that the violation has resulted in substantial discharge causing or threatening significant pollution of the marine environment; or
- (c) there is clear objective evidence that the violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Antigua and Barbuda, 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 16.

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

(6) The prescribed power referred to in subsection (8)(a) shall not be exercised in relation to a ship unless the ship 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 subsection (3)(a) has occurred.

(7) The prescribed power referred to in subsection (8)(b) shall not be exercised in relation to a ship where appropriate procedures, which bind Antigua and Barbuda, 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 ship.

(8) For the purpose 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 purpose of subsection (3)(b), includes a power to undertake a physical inspection of a ship for matters relating to a violation of the kind referred to in subsection (3)(a); and

(b) for the purposes of subsection (3)(c), includes power to detain a ship.

20B. Civil jurisdiction in relation to foreign ships in territorial sea

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

(2) Subject to subsection (3), no person shall arrest or levy execution against a foreign ship for 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 ship in the course or for the purpose of its voyage through the territorial sea.

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

20C. Sea lanes, etc.

The Minister may, by order:

- (a) designate sea lanes or air routes to be used for or in connection with the exercise of and right of innocent transit or archipelagic sea lanes passage under this Act; and
- (b) prescribe traffic separation schemes.

21. Binding of the Crown

This Act binds the Crown.

22. Application of laws

(1) Any reference in an enactment or law having effect as part of the law of Antigua and Barbuda prior to the commencement of this Act, to coastal waters, archipelagic waters and territorial sea waters of Antigua and Barbuda and Redonda or any analagous expression in whatever terms used, shall be construed as a reference to internal waters, archipelagic waters and territorial sea.

(2) Any reference in any enactment or law having effect as a part of the law of Antigua and Barbuda prior to the commencement of this Act to a distance of three miles or a longer or shorter distance in relation to coastal waters, territorial waters, waters of Antigua and Barbuda and Redonda or any analagous expression in whatever terms used, shall be construed as a reference to a distance of twelve nautical miles or the equidistance line under section (3)(2).

23. Repeal and amendments, 41 & 42 Vict. c 73

(1) The Territorial Waters Jurisdiction Act, 1878 of the United Kingdom Parliament and any Act of the United Kingdom Parliament altering that Act, in so far as they form part of the law of Antigua and Barbuda, are repealed.

(2) The enactments specified in the first column of the Schedule are amended in the respects specified in the second column thereof.

24. Commencement

This Act shall come into operation on such day as the Governor-General may by proclamation appoint.

SCHEDULE

| <u>First column</u>                              | <u>Second column</u>  |
|--|---|
| The Magistrate's Code of Procedure Act--Cap. 48. | In section 38, insert "the Government of Antigua and Barbuda or" immediately after "in which".  |
| The Interpretation Act, 1982.                    | Insert in the appropriate alphabetical order in section 57 the following definition:<br><br>"internal waters" means the internal waters of Antigua and Barbuda as defined in Section 2A of the Maritime Areas Act 1982. |

**ARCHIPELAGIC BASELINE CO-ORDINATES**

North American Datum-1927

| NUMBER | LATITUDE (N) | LONGITUDE (W) |
|--------|--------------|---------------|
| ①      | 16 59 51     | 61 44 50      |
| ②      | 16 55 55     | 62 20 45      |
| ③      | 16 55 57     | 62 20 55      |
| ④      | 16 56 00     | 62 20 58      |
| ⑤      | 16 56 39     | 62 20 57      |
| ⑥      | 17 42 46     | 61 53 28      |
| ⑦      | 17 43 32     | 61 52 50      |
| ⑧      | 17 44 47     | 61 51 21      |
| ⑨      | 17 44 18     | 61 49 37      |
| ⑩      | 17 42 22     | 61 47 41      |
| ⑪      | 17 40 30     | 61 46 00      |
| ⑫      | 17 39 07     | 61 44 58      |
| ⑬      | 17 38 02     | 61 44 16      |
| ⑭      | 17 37 22     | 61 43 56      |
| ⑮      | 17 36 08     | 61 43 39      |
| ⑯      | 17 04 08     | 61 39 30      |
| ⑰      | 17 04 05     | 61 39 30      |
| ⑱      | 17 03 06     | 61 40 08      |
| ⑲      | 17 02 41     | 61 40 31      |
| ⑳      | 17 01 59     | 61 41 12      |
| ㉑      | 17 00 06     | 61 44 06      |
| ㉒      | 17 00 04     | 61 44 10      |

**ANTIGUA AND BARBUDA**

Chart showing the archipelagic baselines, territorial sea limits, and areas of internal waters of Antigua and Barbuda prepared in pursuance of Section 18A of the Maritime Areas Act, 1982.

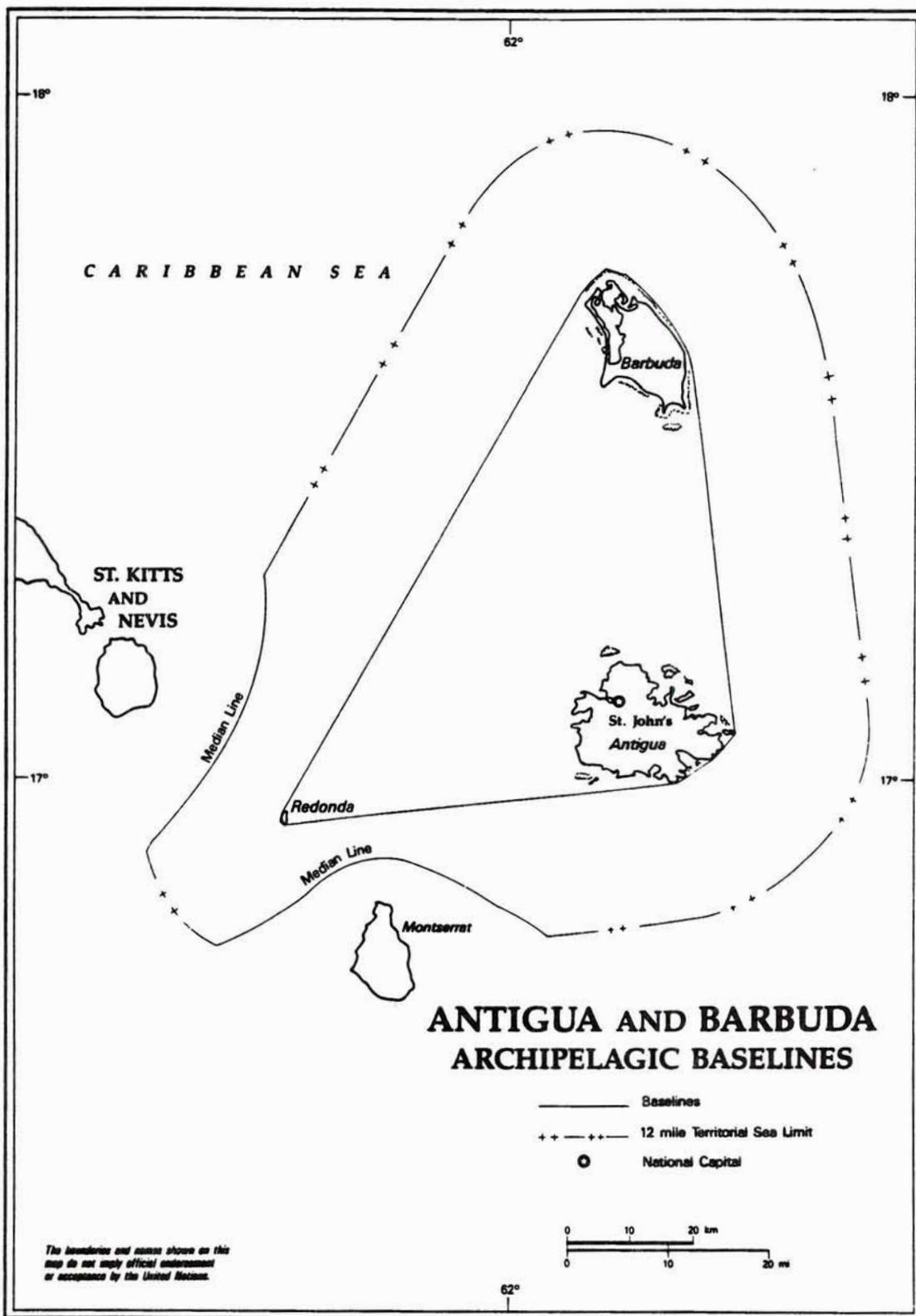
Projection: Mercator  
Scale 1:300 000 Lat Lat 17°30'1

NOT TO BE USED FOR NAVIGATION

|   |                               |
|---|-------------------------------|
|     | Archipelagic Baseline         |
|     | 12 mile Territorial Sea Limit |
|     | Median line                   |
|  | Internal Waters               |

**LIST OF INTERNAL WATERS**

| LETTER | NAME                 |
|--------|----------------------|
| A      | St Johns Harbour     |
| B      | Deep & Galley Bays   |
| C      | Five Island Harbour  |
| D      | Mosquito Cove        |
| E      | Cades Bay Lagoon     |
| F      | Carlisle Bay         |
| G      | Falmouth Harbour     |
| H      | English Harbour      |
| J      | Indian Creek         |
| K      | Mamora Bay           |
| L      | Willoughby Bay       |
| M      | Hudson Cove          |
| N      | Half Moon Bay        |
| O      | Exchange Bay         |
| P      | Marigalante Bay      |
| Q      | Nonsuch Bay          |
| R      | Belfast & Guiana Bay |
| S      | Unnamed              |
| T      | Parham Harbour       |
| U      | Goat Island Flush    |
| V      | Codrington Lagoon    |



## 2. CAPE VERDE

### Decree-Law No. 126/77 of 31 December 1977 1/

Considering the need to safeguard the fundamental interests of the Nation with regard to the living and nonliving resources of the maritime space of the Republic of Cape Verde;

Considering the importance of fisheries for the national economy, particularly with regard to the revitalization of ports and small-scale local fishing;

Considering changes in the Law of the Sea;

In view of the provisions of the National Popular Assembly resolution of 31 December 1977;

By virtue of the powers conferred by article 15(4) of the Law of 5 July 1975 on the Political Organization of the State, the Government decrees and I promulgate the following law:

#### Article 1

The territorial sea of the Republic of Cape Verde has a breadth of 12 nautical miles, measured from the baseline defined in this decree-law. The outer limit of the territorial sea is located at a distance of 12 nautical miles from the nearest point of the given baseline.

#### Article 2

The baseline from which the breadth of the territorial sea of the Republic of Cape Verde is measured consists of the straight lines that join the outermost points of the coast and islands, as determined by the following principal geographic co-ordinates:

|      | <u>Latitude</u> | <u>Longitude</u> |                                   |
|------|-----------------|------------------|-----------------------------------|
| 1 -- | 14° 53'8" N     | 23° 31'0" W      | /W --Ponta Temerosa -- Santiago   |
| 2 -- | 14° 49'0" N     | 24° 22'5" W      | Ponta do Pescadeiro -- Fogo       |
| 3 -- | 14° 48'4" N     | 24° 42'2" W      | Ponta Nho Martinho -- Brava       |
| 4 -- | 14° 50'1" N     | 24° 45'4" W      | Ponta Prainha -- Brava            |
| 5 -- | 17° 02'5" N     | 25° 22'0" W      | Ponta Preta -- Santo Antao        |
| 6 -- | 17° 12'2" N     | 25° 05'9" W      | Ponta do Sol -- Santo Antao       |
| 7 -- | 16° 51'2" N     | 22° 55'5" W      | Ponta Norte -- Sal                |
| 8 -- | 16° 50'0" N     | 22° 53'7" W      | Ponta da Casaca -- Sal            |
| 9 -- | 16° 09'1" N     | 22° 39'8" W      | Ilhéu Baluarte -- Boa Vista       |
| 10-- | 16° 02'9" N     | 22° 41'2" W      | Pé do Brance -- Maio              |
| 11-- | 15° 10'1" N     | 23° 05'6" W      | Ponta Flamengos -- Maio           |
| 12-- | 15° 07'0" N     | 23° 09'2" W      | Ponta Poça Grande -- Maio         |
| 13-- | 14° 54'2" N     | 23° 29'3" W      | /W--Ponta das Bicudas -- Santiago |
| 14-- | 14° 53'9" N     | 23° 30'7" W      | /E--Ponta Temerosa                |

1/ Text transmitted by the Permanent Mission of Cape Verde to the United Nations in a note verbale dated 11 September 1985. Unofficial translation.

Article 3

The waters enclosed by the baselines constitute the archipelagic waters of the Republic of Cape Verde.

Article 4

The sovereignty which the State of Cape Verde exercises over all the territory composed of the emerged surface, the archipelagic waters, and the territorial sea, as defined in the foregoing articles, also extends to the air space above that territory, to the bed and subsoil of the aquatic territory formed by the archipelagic waters and the territorial sea, and all living and nonliving natural resources found in the aforementioned areas.

Article 5

Without prejudice to the provisions of the preceding articles and in accordance with the principles of international law, the Republic of Cape Verde respects the freedom of innocent passage and overflight along established navigation routes.

Article 6

The outer limit of the exclusive economic zone of the State of Cape Verde is a line every point of which is at a distance of 200 nautical miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

Article 7

1. Within the zone defined in the previous article, the State of Cape Verde exercises exclusive jurisdiction in matters of conservation and exploitation of living and nonliving natural resources.

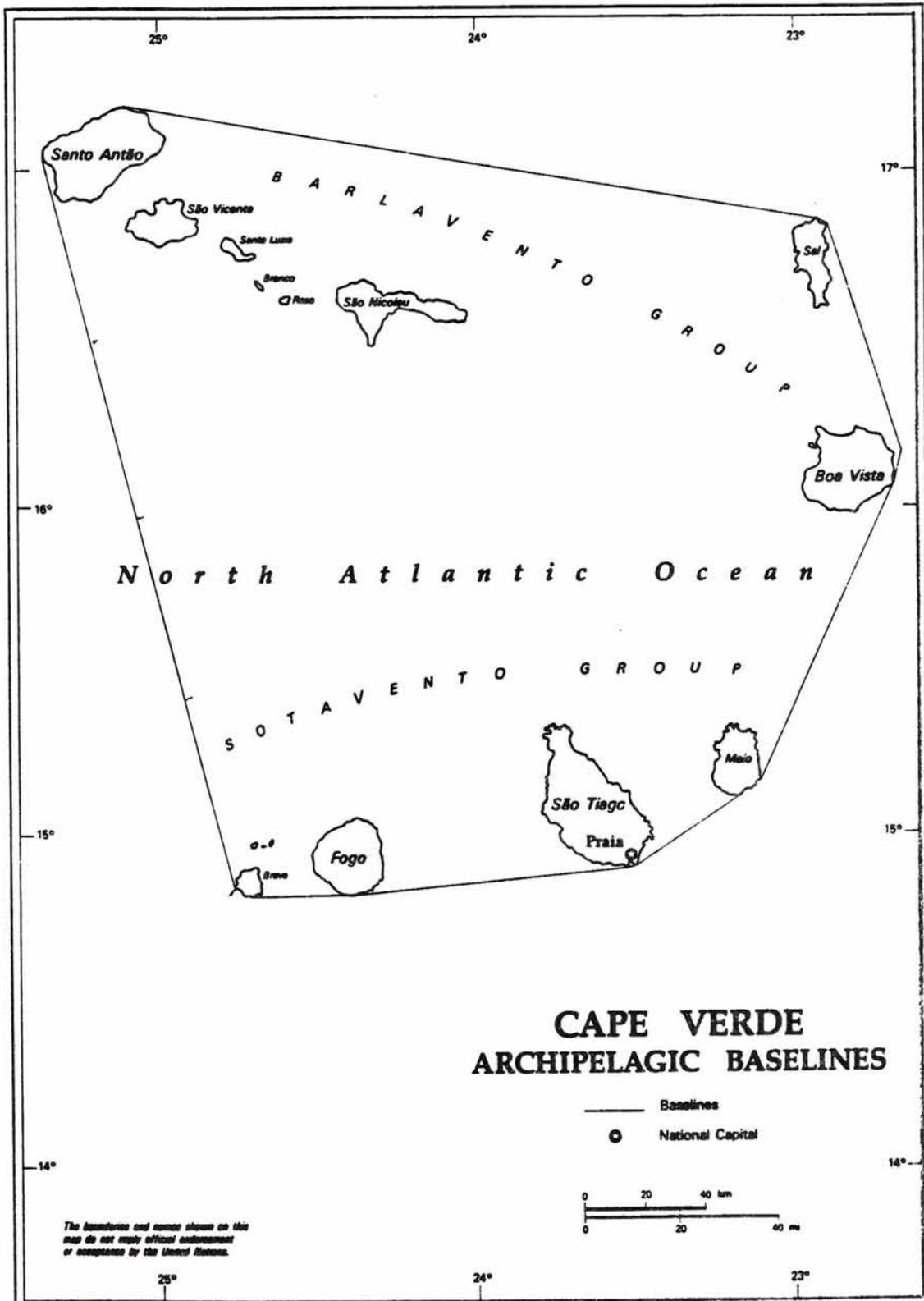
2. Except as otherwise specified in this decree-law, foreign vessels are prohibited from fishing in the exclusive economic zone.

Article 8

1. In order to ensure rational exploitation of the living resources of the exclusive economic zone, the State of Cape Verde may, by means of bilateral agreements, authorize access by other States to the surplus of the allowable catch.

2. Fishing in the archipelagic waters and the territorial sea of the Republic of Cape Verde is reserved for nationals.

3. Harvesting of crustaceans in the exclusive economic zone is also reserved for nationals.



3. COMOROS

Law No. 82-005 relating to the delimitation of the maritime zones of the Islamic Federal Republic of the Comoros, 28 July 1982

The Federal Assembly of the Comoros

Deliberating in accordance with the Constitution, adopted at its meeting of 6 May 1982 the following Law:

SECTION I: THE LEGAL STATUS OF THE ARCHIPELAGIC WATERS OF THE COMOROS, OF THE AIRSPACE OVER THE ARCHIPELAGIC WATERS AND OF THEIR BED AND SUBSOIL

Article 1

The sovereignty of the "Comorian" State extends to the waters enclosed by the baselines, described as archipelagic waters, regardless of their depth or distance from the coast.

The "Comorian" State extends its sovereignty to the airspace over the archipelagic waters, as well as to their bed and subsoil, and the resources contained therein.

Article 2

The right of innocent passage through the archipelagic waters of the Comoros must be respected. The Comoros may suspend temporarily in its waters the right of innocent passage if such suspension is essential for the protection of its security.

SECTION II: THE LEGAL STATUS OF THE TERRITORIAL SEA OF THE COMOROS

Article 3

Limit of the territorial sea of the Comoros

The Comoros limits its territorial sea to 12 nautical miles measured from baselines. The inner limit of the territorial sea is a line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 4

Rights, jurisdiction and duties of the Comoros in the territorial sea

The sovereignty of the Comoros extends, beyond its land territory and internal or archipelagic waters, to an adjacent belt of sea, described as the territorial sea.

This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 5

Right of innocent passage in the territorial sea

Ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the territorial sea of the Comoros, which means that passage shall be continuous and expeditious and not prejudicial to the peace and good order or the security of the Comoros. The right of innocent passage may be regulated or suspended by decree in accordance with international law. In the territorial waters of the Comoros, submarines must remain on the surface and show their flag.

SECTION III: LEGAL REGIME OF THE EXCLUSIVE ECONOMIC ZONE OF THE COMOROS

Article 6

Limit of the exclusive economic zone of the Comoros

The exclusive economic zone is delimited, on one side, by the outer limit of the territorial sea and, on the other side, by a line every point of which is at a distance of 200 miles from the nearest point on the baseline or equidistant from the baselines of the Comorian coast and those of the coasts of the foreign countries opposite it, save as otherwise specifically agreed.

Article 7

Rights, jurisdiction and duties of the Comoros in the exclusive economic zone

In its exclusive economic zone:

(a) The Comoros shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and its subsoil and of the waters superjacent to the sea-bed, 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;

(b) The Comoros shall have jurisdiction with regard to:

Marine scientific research;  
Preservation of the marine environment;  
Prevention of marine pollution.

The conduct of scientific or technical research shall be subject to licensing by the Comorian State.

(c) All Comorians may fish freely in the exclusive economic zone of the Comoros.

Article 8

Rights and duties of other States in the exclusive economic zone of the Comoros

(a) In the exclusive economic zone of the Comoros, all States shall enjoy the freedom of navigation and overflight and of the laying of submarine cables and pipelines, provided that such freedoms are compatible with the provisions of the Convention on the Law of the Sea (no threat to the peace).

(b) Third States shall have regard to the rights and duties of the Comoros and comply with the laws and regulations enacted by it in accordance with the rules of international law.

(c) Conflict resolution: where a conflict arises between the interests of the Comoros and any other State or States, the conflict shall be resolved on the basis of equity, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

#### Article 9

#### Conservation of living resources in the exclusive economic zone of the Comoros

(a) The allowable level of exploitation of living and mineral resources in the exclusive economic zone shall be determined by decree.

(b) The Comoros shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation.

As appropriate, the Comoros and the subregional, regional and global organizations concerned [...] are not endangered by over exploitation.

(c) The Comoros shall determine its capacity to exploit the living and mineral resources of the zone. Where it does not have the capacity to attain the allowable level of exploitation, it shall, through agreements, give other States access.

#### Article 10

Violations of the provisions of this Law and of the provisions of regulations adopted to give it effect shall be punishable by a fine of between 10 million and 80 million CFA francs and/or temporary seizure of the vessel.

#### Article 11

Law No. 71-1060 of 24 December 1971 relating to the delimitation of French territorial waters is hereby repealed in the Comoros.

Order No. 78-003/DPM of 20 July 1978 specifying the limits of Comorian territorial waters is hereby repealed.

This Law shall be applied as the law of the State.

Done at Moroni on 6 May 1982.

4. FIJI

(a) Marine Spaces Act, 1977 1/

To make provision for the demarcation of the marine spaces appertaining to Fiji, declaring the rights of Fiji in relation thereto; to regulate the exploitation of the resources thereof and other activities therein and to make further provision for the regulation of fishing.

Enacted by the Parliament of Fiji:

PART I. PRELIMINARY

1. Short title

This Act may be cited as the Marine Spaces Act, 1977, and shall come into force on a date to be notified in the Gazette by the Minister responsible for Foreign Affairs:

Provided that the Minister responsible for Foreign Affairs may specify different dates for the coming into force of different sections of this Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires:

"archipelagic baselines" means the baselines, drawn under the provisions of subsection (2) of section 4;

"baseline" means the line from which the width of the territorial sea is measured;

"conservation and management" includes all rules, regulations, methods and measures which are:

(a) required to rebuild, restore or maintain, or which are useful in rebuilding, restoring or maintaining, any fishery resource or the marine environment; and

(b) designed to assure that:

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources or the marine environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources;

"exclusive economic zone" means the exclusive zone of Fiji as defined in section 6;

---

1/ Source: New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), pp. 391-400.

"Fiji archipelago" means all islands forming part of Fiji, other than the Island of Rotuma and its Dependencies and the island of Ceva-i-Ra;

"Fiji fisheries waters" means all waters appertaining to Fiji and includes all internal waters, archipelagic waters, territorial seas and all waters within the exclusive economic zone;

"Fiji fishing vessel" means any fishing vessel which is registered in Fiji or the operations of which are based on a place in Fiji and which is wholly owned by, or is under exclusive charter to, a natural person who is a resident of, or a company incorporated in, Fiji;

"fish" includes all forms of aquatic animal life except sedentary species as described in paragraph (b) of the definition of "natural resources" in section 2 of the Continental Shelf Act, 1970;

"fishery" means any one or more stocks of fish which can be treated as a unit for the purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics, and includes any fishing for any such stocks;

"fishery resource" means any fishery, any stock of fish, any species of fish and any habitat of fish;

"fishing" means the catching, taking or harvesting of fish, including any operations at sea in support of, or in preparation for, any such activity;

"fishing vessel" means any boat, craft, ship or other vessel which is used for, equipped to be used for, or of a type normally used for:

- (a) fishing; or
- (b) aiding or assisting any other boat, craft, ship or vessel at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, processing, refrigeration, storage, supply or transportation;

"foreign fishing vessel" means any fishing vessel other than a Fiji fishing vessel;

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

"licensee" means the holder of a licence issued under the provisions of section 12;

"low-water line" means the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of the area produced by any authority and for the time being held and used by the Minister responsible for marine affairs;

"master", in the case of any fishing vessel, means the person for the time being having charge of that vessel;

"mile" means the international nautical mile of one thousand eight hundred and fifty-two meters;

"Minister" means the Minister responsible for fisheries matters;

"owner", in relation to a fishing vessel, means any person or body of persons whether incorporated or not by whom the vessel is owned and includes any charterer, sub-charterer, lessee or sub-lessee of the vessel;

"stock of fish" means a species, sub-species, geographical grouping or other category of fish which can be treated as a unit;

"territorial seas" means the territorial seas of Fiji as defined in section 5;

"total allowable catch", with respect to the yield from any fishery, means the amount of fish that will produce from the fishery the maximum sustainable yield, as qualified by any relevant economic or environmental factors and taking into account fishing patterns, the interdependence of stocks of fish, and any generally recommended sub-regional, regional, or global standards.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

## PART II. MARINE SPACES

### 3. Internal waters

(1) Except where closing lines are drawn under the provisions of subsection (2) the outer limits of the internal waters of Fiji shall be a line drawn along the low-water line of the coast of each island, provided nevertheless that in the case of islands situated on atolls or islands having fringing reefs the line shall be drawn along the seaward low-water line of the reef.

(2) The Minister responsible for Foreign Affairs may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of Fiji in the case of mouths of rivers, bays and permanent harbour works.

(3) Where closing lines are drawn under the provisions of subsection (2) the internal waters of Fiji shall include all waters on the landward side of those closing lines.

### 4. Archipelagic waters

(1) The archipelagic waters of Fiji comprise all areas of sea contained within the baselines established under the provisions of this section.

(2) The Minister responsible for Foreign Affairs, in accordance with the rules of international law, may by order declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of Fiji and the innermost limits of the territorial sea of the Fiji archipelago.

## 5. Territorial sea

(1) The territorial seas of Fiji comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines.

(2) Where archipelagic baselines are drawn under the provisions of section 4, those baselines shall be the baselines from which the breadth of the territorial sea of the Fiji archipelago shall be measured.

(3) In all other cases the baseline from which the breadth of the territorial sea is measured is the line determining the outer limits of the internal waters of Fiji drawn under the provisions of section 3.

## 6. Exclusive economic zone

(1) Subject to the following provisions of this section, the exclusive economic zone of Fiji comprises all areas of sea having, as their innermost limits, the outermost limits of the territorial seas, and, as their outermost limits, a line drawn seaward from the baselines every point of which is at a distance of 200 miles from the nearest point of the appropriate baseline.

(2) The Minister responsible for Foreign Affairs may by order, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of Fiji extend to such line, any point of which may be at a distance of less than 200 miles from the nearest point of the appropriate baseline, as may be specified in such order.

(3) Where the median line, as defined in subsection (4), is less than 200 miles from the nearest baseline, and no other line is for the time being specified under the provisions of subsection (2), the outer limits of the exclusive economic zone of Fiji extend to the median line.

(4) The 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 seas of Fiji and of any opposite or adjacent State or territory are measured.

## 7. Continental Shelf Act 1970 to apply. No. 9 of 1977

All areas of seabed and the subsoil thereof contained within the exclusive economic zone of Fiji are deemed to form part of the continental shelf of Fiji for the purposes of the Continental Shelf Act, 1970, and to be subject to the provisions of that Act as if they were areas designated under the provisions of subsection (2) of section 3 of that Act.

## 8. Charts and publicity

(1) The Minister responsible for Foreign Affairs shall cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Fiji to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due

publicity to such charts by notice in the Gazette and shall cause a copy of each such chart to be deposited with the Secretary-General of the United Nations.

(2) In any proceedings in any court, a certificate purporting to be signed by the Director of Marine that any specified nautical chart of any area is the largest scale nautical chart of that area produced by any authority and for the time being held by the Minister responsible for Marine Affairs shall be admissible in evidence of the matters stated in the certificate.

#### 9. Legal character of marine spaces

(1) The sovereignty of Fiji extends beyond its land territory and internal waters over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder.

(2) Within the exclusive economic zone Fiji has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and subsoil and the superjacent waters.

(3) The exercise by Fiji of its sovereignty and sovereign rights under the provisions of this section is subject to the rules of international law.

### PART III. MANAGEMENT AND CONSERVATION OF FISHERIES

#### 10. Application of Fisheries Act

(1) The archipelagic waters and the waters comprised in the exclusive economic zone shall be part of Fiji fisheries waters as defined in subsection (1) of section 2 of the Fisheries Act and, subject to the provisions of subsection (2), the provisions of that Act shall apply accordingly within the archipelagic waters and the exclusive economic zone.

(2) Notwithstanding any other provision in this section or in the Fisheries Act the provisions of that Act relating to the obtaining of licences to take fish or to the registration of fishing vessels shall not apply to the fishing activities of foreign fishing vessels or their crews in the exclusive economic zone.

#### 11. Calculation and apportionment of allowable catch by foreign fishing vessels

(1) The Minister shall from time to time determine on the basis of the best available information:

- (a) the total allowable catch in respect of every fishery within the exclusive economic zone; and
- (b) the portion of that catch which Fiji's fishing vessels have the capacity to harvest.

(2) Where the Minister has determined, in respect of the total allowable catch for a fishery within the exclusive economic zone, the portion that Fiji fishing vessels have the capacity to harvest, the remaining portion shall constitute the allowable catch for that fishery for foreign fishing vessels.

(3) The Minister may from time to time apportion, among countries other than Fiji, the allowable catch for foreign fishing vessels in respect of any fishery within the exclusive economic zone, as determined under subsection (2).

(4) In making an apportionment under subsection (3) the Minister may take into account the following considerations:

- (a) whether the fishing vessels of countries to which the apportionment applies have engaged habitually in fishing within the exclusive economic zone;
- (b) whether such countries have co-operated with Fiji in fisheries research and in the identification of fish stocks with the exclusive economic zone;
- (c) whether such countries have co-operated with Fiji in the conservation and management of fisheries resources within the exclusive economic zone, and in the enforcement of Fiji law relating to such resources;
- (d) the terms of any relevant international agreement;
- (e) such other matters as the Minister determines to be relevant.

## 12. Licensing of foreign fishing vessels

(1) Subject to the provisions of subsections (2) the Minister may grant and issue licences authorizing foreign fishing vessels to fish in the exclusive economic zone.

(2) In the exercises of his powers under the provisions of this section the Minister shall ensure to the extent of the information available to him that:

- (a) the catch that all foreign fishing vessels licensed under this section are for the time being authorized to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing vessels for that fishery calculated under subsection (2) of section 11;
- (b) the catch that all foreign fishing vessels of a particular country licensed under this section are for the time being authorized to harvest from any fishery within that exclusive economic zones does not exceed the apportionment made under subsection (3) of section 11 for that fishery in respect of that country.

(3) A licence issued under the provisions of this section shall, on payment by the applicant of the prescribed fee, be issued to the owner in respect of a specific boat to be identified by name in the licence and may authorize fishing generally or may confer limited authority by reference to all or any of the following limitations and conditions, namely as to:

- (a) the area within which fishing is authorized;
- (b) the periods, times or particular voyages during which fishing is authorized;
- (c) the descriptions and quantities of fish which may be taken;
- (d) the methods by which fish may be taken;
- (e) the type of fishing gear which may be used and the stowage of that gear when not in use;
- (f) the use, transfer, transshipment, landing and processing of fish taken;
- (g) entry by the vessels into Fiji ports;
- (h) the compensation payable in the event of any loss or damage caused by the vessel to other fishing boats, gear or catches or to any fish stocks or to other Fiji interests;
- (i) statistical and other information required to be given relating to the operations of the vessel including catch and effort statistics and vessel position reports;
- (j) the conduct of fisheries research programmes;
- (k) the training of Fiji personnel in the methods of fishing employed by the vessel and the transfer to Fiji of fisheries technology;
- (l) the production of the licence on demand by any fisheries officer;
- (m) the markings and other means of identification of the vessel;
- (n) the placing of Fiji observers on the vessel;
- (o) the carrying on board the vessel of specified nautical charts;
- (p) the installation and maintenance in working order on the vessel of position fixing or other identification equipment;
- (q) compliance by the vessel with directions and instructions of Fiji ships or aircraft; and
- (r) such other conditions as the Minister considers necessary or expedient for the regulation of fishing or the conservation and management of fisheries.

### 13. Suspension and cancellation of licences

(1) Where the Minister is satisfied that:

- (a) any foreign fishing vessel in respect of which a licence has been granted under section 12 is being or has been used for fishing within the exclusive economic zone in contravention of any conditions of the licence or any Fiji law relating to fishing; or
- (b) the master, licensee or any crew member of a foreign fishing vessel has been convicted of an offence against this Act, or against any regulations made under the provisions of this Act, or against any other Fiji law relating to fishing,

he may suspend the licence for such period as he shall specify, or cancel the licence.

(2) Where the Minister determines that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, he may vary the conditions of or suspend any licence or licences for such period as he shall specify, or he may cancel any licence or licences.

(3) No determination, variation, suspension, cancellation, or other action of the Minister under subsection (2) shall be reviewable by any court of law.

(4) While a licence is suspended under this section, it shall have no effect.

### 14. Licensing offences

(1) If any foreign fishing vessel that is not licensed under the provisions of section 12 is used for the purpose of fishing within the exclusive economic zone, the owner and the master of the vessel are each guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars each.

(2) If any foreign fishing vessel is used for the purpose of fishing within the exclusive economic zone in contravention of any of the limitations on or conditions of a licence issued under the provisions of section 12, the master and licensee of the vessel are each guilty of an offence and liable on conviction to a fine not exceeding twenty-five thousand dollars each.

### 15. Fisheries officers

(1) The following persons shall be fisheries officers for the purpose of this Act, that is to say:

- (a) any fisheries officer appointed under the provisions of the Fisheries Act;
- (b) any customs officer appointed under the provisions of the Customs Act;
- (c) any police officer;
- (d) any commissioned officer of the Royal Fiji Military Forces;

- (e) any person in command or charge of any vessel or aircraft operated by or on behalf of the Royal Fiji Military Forces; and
- (f) any other person appointed as a fisheries officer by the Minister responsible for fisheries matters.

(2) For the purpose of enforcing the provisions of this Act a fisheries officer may exercise in relation to any foreign fishing vessel within the limits of Fiji fisheries waters and in relation to any Fiji fishing vessel outside those limits the following powers:

- (a) he may go on board that vessel, and for that purpose may require the vessel to stop and to do anything else which will facilitate the boarding of the vessel;
- (b) he may require the attendance before him of the master and other persons on board and may make any examination or inquiry which appears to him to be necessary for the purpose of enforcing the provisions of this Act and, in particular:
  - (i) may search the vessel and examine any fish found on board and the equipment of the vessel, including the fishing gear, and require persons on board the vessel to do anything which appears to him to be necessary to facilitate the examination; and
  - (ii) may require any person on board the vessel to produce any documents relating to that vessel or the persons on board which are in his custody or possession and take copies of any such document.

(3) Where any fisheries officer has reasonable cause to believe that an offence against any of the provisions of section 14 or against any other Fiji law relating to fishing in the exclusive economic zone has been committed in respect of any foreign fishing vessel, he may, without warrant:

- (a) arrest any person who he has reason to believe has committed such offence; and
- (b) where he has reason to believe that any such offence has been committed by the master or licensee of the vessel, seize and detain a vessel together with all fish found on board and may take the same and the crew of the vessel to the port which appears to him to be the nearest convenient port.

(4) Any fisheries officer may exercise the powers conferred on him by this section with the aid of such assistants as he considers necessary for the purpose.

(5) Where any fishing vessel is detained under the provisions of subsection (3) of this section it shall be held in the custody of the Crown until a decision is made not to institute proceedings in respect of the alleged offence or, if such proceedings are commenced the security required by the provisions of section 17 is given in respect of the vessel.

(6) All fish detained under the provisions of this section shall be held in the custody of the Crown in respect of the alleged offences for which it was detained, or, if such proceedings are instituted, until the proceedings are determined:

Provided that if adequate facilities are not available for the preservation of such fish pending the completion of the proceedings the Minister may take all steps necessary for the sale of such fish at its reasonable market value, the net proceeds of such sale to be paid into a fund to be held by the court in which such proceedings are taken pending the making of a final order by the court in respect of the forfeiture or otherwise of that fish.

(7) The decision whether or not to institute proceedings in respect of an alleged offence for which a foreign fishing vessel is detained under subsection (3) shall be made as soon as reasonably practicable after the vessel is detained.

(8) The release of a foreign fishing vessel from detention shall not affect any subsequent forfeiture of the vessel in respect of the conviction of any person for an offence.

(9) Where a fisheries officer arrests any person under the provisions of subsection (3) he shall cause that person to be taken as soon as reasonably practicable before a court to be dealt with in accordance with law.

#### 16. Forfeiture of vessels, etc.

On conviction of the owner, master or licensee of an offence under section 14, the court may also order the forfeiture to the Crown of the fishing vessel and any fish, fishing gear, apparatus, cargo and stores found therein or thereon.

#### 17. Security for release of foreign fishing vessel

(1) Where any foreign fishing vessel is detained under section 15, and proceedings are instituted against the master or licensee of the vessel in respect of the offence for which the vessel has been detained, the master or licensee of the vessel or any other person having an interest in the vessel may at any time before the determination of the proceedings apply to the court by which proceedings will be determined for the release of the vessel on the provision of security in accordance with this section.

(2) On hearing the application, the court shall order the release of the foreign fishing vessel on the execution by any suitable person or persons approved by the court for the purpose, of a bond in favour of the Crown, in the prescribed form and conditioned in accordance with subsection (4), in an amount not less than the aggregate of the value of the vessel and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (3), the court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

- (4) The condition of the bond shall be that if:
  - (a) the defendant is found not guilty of the offence; or
  - (b) the defendant on being convicted of the offence pays in full within fourteen days after he is convicted the amount of the fine imposed by the court and the foreign fishing vessel is within that time surrendered to the Crown for forfeiture if so ordered by the court.

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing vessel" includes all equipment on board the vessel.

#### 18. Obstruction, etc., of fisheries officer

- (1) Any person who:
  - (a) obstructs or hinders any fisheries officer or any person assisting him in the exercise of any of his powers under this Act; or
  - (b) fails to comply with any lawful requirement imposed or to answer any lawful enquiry made by a fisheries officer under this Act; or
  - (c) being on board any fishing vessel being pursued or about to be boarded by a fisheries officer, throws overboard or destroys any fish, fishing gear or any other thing whatsoever,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand dollars.

(2) If an offence under paragraph (1) takes place on board or alongside a fishing vessel, the master of that fishing vessel shall be guilty of a like offence and liable to a like penalty.

#### 19. Non-liability of fisheries officers

No fisheries officer shall be personally liable in respect of any act done or omitted to be done by him in good faith in the execution or purported execution of these powers and duties under this Act.

20. (1) The Minister may make regulations for all or any of the following purposes:

- (a) prescribing the procedure and forms for application and granting and renewal of licences under the provisions of the Act;
- (b) prescribing the terms and duration of licences;

- (c) prescribing the forms of licence that may be issued;
- (d) prescribing the classes of licences that may be issued which may include different classes of licences, whether by reference to size of vessel, size of catch, method of fishing, species of catch or otherwise;
- (e) prescribing the fees payable for licences which may include different fees for different classes of licences;
- (f) providing for the production of licences for inspection when required by a fisheries inspector or other specified authorities;
- (g) prescribing conditions under which foreign fishing vessels may fish in the exclusive economic zone;
- (h) prescribing measures for the conservation and management of fisheries resources within the exclusive economic zone;
- (i) prescribing measures for ensuring that foreign fishing vessels comply with the limitations and conditions of their licences;
- (j) prescribing the manner in which and times when fishing gear is to be stowed;
- (k) prescribing the form of bonds for the purpose of section 17;
- (l) prescribing measures, not inconsistent with the provisions of this Act, for the regulation of fishing for highly migratory species within Fiji fisheries waters and, in the case of Fiji fishing vessels, beyond the limits of those waters; and
- (m) providing for such other matters as appear to him to be necessary for giving full effect to Fiji's sovereignty or sovereign rights over Fiji fisheries waters.

(2) For the purpose of this section the expression "highly migratory species" means species that in the course of their life cycle, migrate over great distances of ocean.

#### 21. Fishing for research and sporting purposes excluded

The provisions of this Part of this Act shall not apply to nor prohibit or restrict fishing by foreign fishing vessels for fisheries research or sporting purposes with the prior consent in writing of the Minister and in accordance with such conditions as the Minister may impose in giving his consent.

#### PART IV. MISCELLANEOUS

#### 22. Offences deemed committed in Fiji

Any offence against the provisions of this Act that is committed with the exclusive economic zone shall be deemed to have been committed in Fiji.

23. Interim measures

Pending the entry into force of other provisions of this Act, the Minister may by order prescribe interim or transitional measures for the conservation and management of fisheries resources beyond the territorial seas of Fiji and for the limitation of foreign fishing within an area of two hundred miles from the baselines.

Passed by the House of Representatives this thirtieth day of November, in the year of our Lord one thousand nine hundred and seventy-seven.

(b) Interpretation (Amendment) Act, 1977 1/

Enacted by the Parliament of Fiji:

1. Short title

This Act may be cited as the Interpretation (Amendment) Act, 1977 and shall come into force on a date to be notified by the Minister in the Gazette.

2. Amendment of Act No. 11 of 1967

(a) inserting the following definition immediately after the definition of "applied Act":

"'archipelagic waters' means the archipelagic waters of Fiji as defined in subsection (1) of section 4 of the Marine Spaces Act of 1977;"

(b) deleting the definitions of "Fiji territorial waters" and "territorial waters of Fiji" and replacing them as follows:

"'territorial seas' means the territorial seas of Fiji as defined in section 5 of the Marine Spaces Act, 1977;" and

(c) inserting the following definition immediately after the definition of "imperial enactment":

"'internal waters' means the internal waters of Fiji as defined in section 3 of the Marine Spaces Act, 1977;"

Passed by the House of Representatives this thirtieth day of November, in the year of our Lord one thousand nine hundred and seventy-seven.

Passed by the Senate this sixth day of December, in the year of our Lord one thousand nine hundred and seventy-seven.

---

1/ Source: T. Sanerive, Government Printer, Suva, Fiji, 1977, p. 61.

(c) Marine Spaces (Amendment) Act, 1977 1/

Enacted by the Parliament of Fiji:

1. Short title

This Act may be cited as the Marine Spaces (Amendment) Act, 1978.

2. Amendment of section 2(1) of Act No. 18 of 1977

- (a) by inserting the following definition immediately before the definition of "baseline":

"'archipelagic waters' means the archipelagic waters of Fiji, as defined in section 4;";

- (b) by inserting the words "and plant" immediately after the word "animal" in the first line of the definition of "fish";

- (c) by inserting the following definition immediately before the definition of "island":

"'internal waters' means the internal waters of Fiji, as defined in section 3;";

- (d) by substituting the words and punctuation "metres, as depicted on official charts" for the word "meters" in the second line of the definition of "mile"; and

- (e) by inserting the following definition immediately before the definition of "stock of fish":

"'Rotuma archipelago' means the island of Rotuma and its dependencies;".

3. Amendment of section 4

Subsection (2) of section 4 of the principal Act is amended by substituting the words "seas of the Fiji archipelago and the Rotuma archipelago" for the words "sea of the Fiji archipelago" in the last line.

4. Amendment of section 5

Subsection (2) of section 5 of the principal Act is amended by substituting the words "seas of the Fiji archipelago and the Rotuma archipelago" for the words "sea of the Fiji archipelago" in the last line.

---

1/ Source: I. Ravutu, Government Printer, Suva, Fiji, 1978, pp. 91-93.

5. Insertion of new sections 9A and 9B

The principal Act is amended by the insertion of the following new sections immediately after section 9:

"9A. Rights of other States in marine spaces.

"(1) Subject to the provisions of subsections (2), (3), (4) and (5), ships and aircraft of all States shall, in accordance with the rules of international law, have the right of innocent passage through and over the territorial seas and archipelagic waters.

"(2) The Minister responsible for Foreign Affairs may, in accordance with the rules of international law, by order, designate sealanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sealanes.

"(3) In such sealanes and air routes all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial seas, from one part of the exclusive economic zone to another part of the exclusive economic zone.

"(4) Until such time as sealanes or air routes are designated under the provisions of subsection (2) the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

"(5) The rights of navigation and overflight referred to in subsection (3) are subject to all laws of Fiji made in accordance with the rules of international law.

"(6) Subject to the provisions of this Act and of any other written law made in accordance with the relevant rules of international law, all States and their nationals shall enjoy, in the exclusive economic zone, the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law.

"9B. General regulations in exclusive economic zone

"Where no other provision is for the time being made in any other written law for any such purpose, the Minister responsible for Foreign Affairs may make regulations, in accordance with the rules of international law, for all or any of the following purposes:

"(a) regulating the conduct of scientific research within the exclusive economic zone;

- "(b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the waters, currents and winds, and for other economic purposes;
- "(c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including, but not confined to, the establishment of safety zones around islands, installations and structures;
- "(d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- "(e) providing for such other matters as are necessary or expedient to give effect to Fiji's rights and obligations in relation to the exclusive economic zone or are necessary to give full effect to the provisions of this Act, other than matters in respect of which regulations may be made under the provisions of section 20."

Passed by the House of Representatives this seventeenth day of August, in the year of our Lord one thousand, nine hundred and seventy-eight.

Passed by the Senate this twenty-eighth day of September, in the year of our Lord one thousand, nine hundred and seventy-eight.

(d) Marine Spaces (Archipelagic Baselines and Exclusive Economic Zone)  
Order, 1981 1/

[Original: English]

...

Baselines for the Fiji archipelago

2. The points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of Fiji and the innermost limits of the territorial sea of the Fiji archipelago are declared to be the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the First Schedule, minus 7 seconds of latitude and 14 seconds of longitude in each case.

...

FIRST SCHEDULE  
Archipelagic waters

Geographical co-ordinates  
[WGS 72 Geodetic Datum]

| <u>No.</u> | <u>Latitude</u>   | <u>Longitude</u>   |
|------------|-------------------|--------------------|
| 1. .. ..   | 16° - 05' - 30"S. | 179° - 08' - 36"W. |
| 2. .. ..   | 16° - 44' - 48"S. | 178° - 55' - 54"W. |
| 3. .. ..   | 17° - 05' - 06"S. | 178° - 40' - 24"W. |
| 4. .. ..   | 17° - 10' - 00"S. | 178° - 37' - 06"W. |
| 5. .. ..   | 17° - 55' - 30"S. | 178° - 14' - 00"W. |
| 6. .. ..   | 18° - 18' - 30"S. | 178° - 12' - 48"W. |
| 7. .. ..   | 18° - 53' - 00"S. | 178° - 21' - 00"W. |
| 8. .. ..   | 18° - 57' - 30"S. | 178° - 19' - 45"W. |
| 9. .. ..   | 19° - 14' - 00"S. | 178° - 18' - 36"W. |
| 10. .. ..  | 19° - 48' - 00"S. | 178° - 13' - 24"W. |
| 11. .. ..  | 19° - 53' - 30"S. | 178° - 16' - 18"W. |
| 12. .. ..  | 20° - 39' - 48"S. | 178° - 41' - 24"W. |
| 13. .. ..  | 20° - 59' - 54"S. | 178° - 44' - 30"W. |
| 14. .. ..  | 21° - 01' - 42"S. | 178° - 50' - 48"W. |
| 15. .. ..  | 20° - 44' - 00"S. | 178° - 53' - 30"W. |
| 16. .. ..  | 19° - 12' - 18"S. | 179° - 44' - 48"E. |
| 17. .. ..  | 19° - 11' - 30"S. | 178° - 06' - 00"E. |
| 18. .. ..  | 19° - 10' - 42"S. | 178° - 00' - 00"E. |
| 19. .. ..  | 19° - 08' - 42"S. | 177° - 57' - 18"E. |
| 20. .. ..  | 19° - 07' - 48"S. | 177° - 56' - 54"E. |

---

1/ Fiji Royal Gazette, Supplement No. 41, 27 November 1981 (Legal Notice No. 117).

Illustrative map provided by the Permanent Mission of Fiji to the United Nations.

| <u>No.</u> |    |    |    | <u>Latitude</u>   | <u>Longitude</u>   |
|------------|----|----|----|-------------------|--------------------|
| 21.        | .. | .. | .. | 18° - 36' - 24"S. | 177° - 39' - 36"E. |
| 22.        | .. | .. | .. | 18° - 07' - 00"S. | 177° - 19' - 00"E. |
| 23.        | .. | .. | .. | 17° - 56' - 36"S. | 177° - 12' - 24"E. |
| 24.        | .. | .. | .. | 17° - 38' - 54"S. | 176° - 59' - 48"E. |
| 25.        | .. | .. | .. | 17° - 11' - 54"S. | 176° - 52' - 42"E. |
| 26.        | .. | .. | .. | 17° - 09' - 24"S. | 176° - 53' - 30"E. |
| 27.        | .. | .. | .. | 17° - 06' - 54"S. | 176° - 54' - 36"E. |
| 28.        | .. | .. | .. | 16° - 47' - 00"S. | 177° - 17' - 00"E. |
| 29.        | .. | .. | .. | 16° - 39' - 06"S. | 177° - 34' - 24"E. |
| 30.        | .. | .. | .. | 16° - 26' - 24"S. | 178° - 05' - 48"E. |
| 31.        | .. | .. | .. | 16° - 19' - 24"S. | 178° - 27' - 12"E. |
| 32.        | .. | .. | .. | 16° - 10' - 30"S. | 179° - 04' - 00"E. |
| 33.        | .. | .. | .. | 15° - 42' - 30"S. | 179° - 58' - 30"W. |
| 34.        | .. | .. | .. | 15° - 56' - 54"S. | 179° - 23' - 30"W. |



(e) Marine Spaces (Territorial Seas) (Rotuma and its dependencies)  
Order, 1981 1/

...

Territorial seas baselines

2. The points between which straight baselines are to be drawn for the purpose of determining the innermost limits of the territorial seas of Rotuma and its dependencies are declared to be the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the Schedule, plus 3 seconds of latitude and plus 2 seconds of longitude in each case.

(Paragraph 2)

FIRST SCHEDULE

Geographical co-ordinates  
[WGS 72 Geodetic Datum]

| <u>No.</u> | <u>Latitude</u>   | <u>Longitude</u>   |
|------------|-------------------|--------------------|
| 1. .. ..   | 12° - 28' - 41"S. | 177° - 07' - 29"W. |
| 2. .. ..   | 12° - 29' - 42"S. | 177° - 08' - 21"W. |
| 3. .. ..   | 12° - 29' - 54"S. | 177° - 08' - 30"W. |
| 4. .. ..   | 12° - 30' - 18"S. | 177° - 08' - 39"W. |
| 5. .. ..   | 12° - 31' - 19"S. | 177° - 08' - 51"W. |
| 6. .. ..   | 12° - 31' - 39"S. | 177° - 08' - 50"W. |
| 7. .. ..   | 12° - 31' - 45"S. | 177° - 08' - 48"W. |
| 8. .. ..   | 12° - 31' - 54"S. | 177° - 08' - 30"W. |
| 9. .. ..   | 12° - 31' - 40"S. | 177° - 06' - 54"W. |
| 10. .. ..  | 12° - 31' - 43"S. | 177° - 05' - 21"W. |
| 11. .. ..  | 12° - 31' - 21"S. | 177° - 01' - 54"W. |
| 12. .. ..  | 12° - 29' - 58"S. | 176° - 56' - 04"W. |
| 13. .. ..  | 12° - 29' - 53"S. | 176° - 55' - 59"W. |
| 14. .. ..  | 12° - 28' - 50"S. | 176° - 56' - 02"W. |
| 15. .. ..  | 12° - 28' - 33"S. | 176° - 57' - 41"W. |
| 16. .. ..  | 12° - 28' - 10"S. | 176° - 58' - 15"W. |
| 17. .. ..  | 12° - 27' - 47"S. | 176° - 59' - 11"W. |
| 18. .. ..  | 12° - 27' - 44"S. | 176° - 59' - 20"W. |
| 19. .. ..  | 12° - 27' - 46"S. | 176° - 59' - 35"W. |

---

1/ Fiji Royal Gazette, Supplement No. 41, 27 November 1981 (Legal Notice No. 118).

Illustrative map provided by the Permanent Mission of Fiji to the United Nations.



5. INDONESIA

(a) Act No. 4 concerning Indonesian Waters, 18 February 1960 1/

The President of the Republic of Indonesia

Considering:

1. that the geographical configuration of Indonesia as an archipelagic State which consists of thousands of islands has its own characteristics and peculiarities,
2. that since time immemorial the Indonesian archipelago has constituted one entity,
3. that in the interest of the territorial integrity of the Indonesian State all the islands and the waters lying between those islands should be regarded as a single unit,
4. that the delimitation of the territorial waters as provided for in article 1 paragraph 1 of the Territorial Sea and Maritime Circles Ordinance of 1939 (Government Gazette 1939 No. 442) is not in accordance with the above considerations, as it divided the territory of Indonesia into separate parts having their own territorial sea,
5. that it is therefore deemed necessary to enact an Act concerning the Indonesian waters in accordance with the above considerations,

Having regard to:

Article 5 paragraph I of the Constitution of the Republic of Indonesia

Having heard:

The deliberations of the Cabinet of Ministers of 20 January 1960,

Decides to enact:

Act Concerning Indonesian Waters

Article 1

(1) The Indonesian waters consist of the territorial sea and the internal waters of Indonesia.

---

1/ International Boundary Studies, Series A, Limits in the Seas (Office of the Geographer, Bureau of Intelligence and Research of the United States Department of State), No. 35, 20 July 1971.

Illustrative maps: International Boundary Studies, Series A, Limits in the Seas (Office of the Geographer, Bureau of Intelligence and Research of the United States Department of State), No. 35, 20 July 1971.

(2) The Indonesian territorial sea is a maritime belt of a width of 12 nautical miles, the outer limit of which is measured perpendicular to the baselines or points on the baselines which consist of straight lines connecting the outermost points on the low water mark of the outermost islands or part of such islands comprising Indonesian territory with the provision that in case of straits of a width of not more than 24 nautical miles and Indonesia is not the only coastal State the outer limit of the Indonesian territorial sea shall be drawn at the middle of the strait.

(3) The Indonesian internal waters are all waters lying within the baselines mentioned in paragraph (2).

(4) One nautical mile is one sixtieth of a degree of a meridian.

#### Article 2

On the map annexed to this Act is indicated the position of the points and baselines mentioned in article 1 paragraph (2).

#### Article 3

(1) Innocent passage through the internal waters of Indonesia is open to foreign vessels.

(2) The innocent passage as mentioned in paragraph 1 shall be regulated by Government Ordinance.

#### Article 4

(1) This Act comes into force on the date of its promulgation.

(2) Article 1 Paragraph 1 sub-paragraphs 1 to 4 of the Territorial Sea and Maritime Circles' Ordinance of 1939 is no longer valid as from the date mentioned in paragraph 1.

In order that the Act be known to everybody whomsoever it is instructed that this Act be promulgated by publication the the Government Gazette.

DONE at Djakarta on 18 February, 1960

President of the Republic of Indonesia

Promulgated at Djakarta on 18 February, 1960

LOCATION OF POINTS OF BASELINES OF THE INDONESIAN WATERS

Note

U - Utara - North  
 S - Selatan - South  
 T - Timur - East  
 B - Barat - West

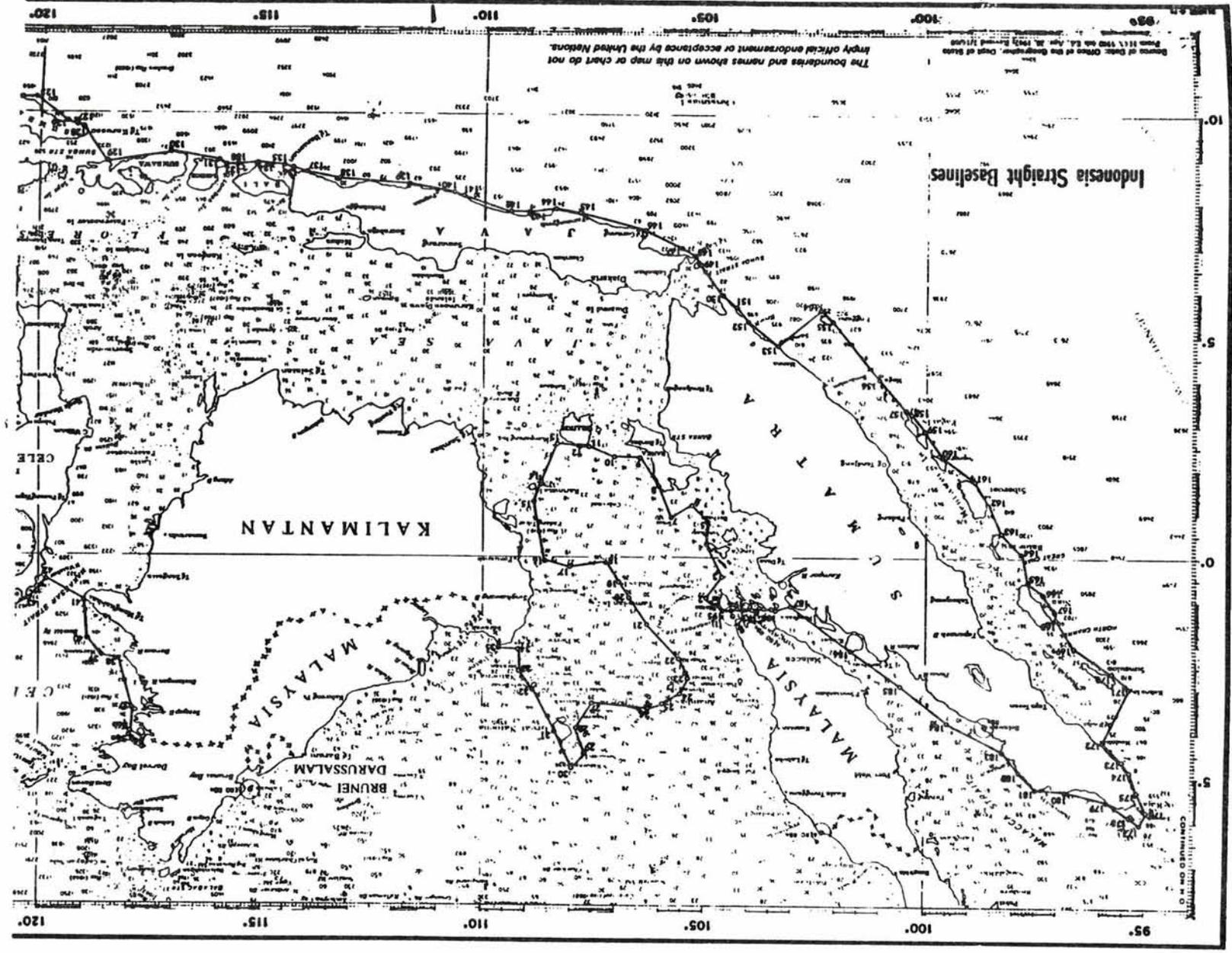
| Reference number | CO-ORDINATES OF POINTS |   |        | Longitude | Location |        |                 |
|------------------|------------------------|---|--------|-----------|----------|--------|-----------------|
|                  | Latitude               |   |        |           |          |        |                 |
| 1.               | 01°                    | - | 13.8 U | 104°      | -        | 35.6 T | Tg. Berakit.    |
| 1A               | 01                     | - | 02.9 U | 104       | -        | 40.7 T | Sentut.         |
| 2.               | 00                     | - | 56.0 U | 104       | -        | 55.8 T | Merapas.        |
| 3.               | 00                     | - | 24.4 U | 104       | -        | 33.7 T | Kuju.           |
| 4.               | 00                     | - | 18.0 S | 105       | -        | 01.0 T | Meranti.        |
| 5.               | 00                     | - | 45.7 S | 104       | -        | 56.2 T | Saja.           |
| 6.               | 01                     | - | 08.5 S | 105       | -        | 16.9 T | P. Pekatjang.   |
| 7.               | 00                     | - | 54.5 S | 105       | -        | 45.4 T | Toty.           |
| 8.               | 02                     | - | 36.0 S | 106       | -        | 03.0 T | Punggul.        |
| 9.               | 02                     | - | 16.4 S | 106       | -        | 26.7 T | ---             |
| 10.              | 02                     | - | 24.1 S | 107       | -        | 04.8 T | Gasper.         |
| 11.              | 02                     | - | 31.8 S | 107       | -        | 37.0 T | Langkuas.       |
| 12.              | 02                     | - | 31.4 S | 107       | -        | 49.1 T | Tg. Siantu.     |
| 13.              | 02                     | - | 38.5 S | 108       | -        | 12.2 T | Busung Serlang. |
| 14.              | 01                     | - | 42.0 S | 108       | -        | 41.1 T | Serutu.         |
| 15.              | 01                     | - | 16.9 S | 108       | -        | 52.4 T | Leman.          |
| 16.              | 00                     | - | 07.2 U | 108       | -        | 36.1 T | Datu.           |
| 17.              | 00                     | - | 14.7 U | 108       | -        | 01.5 T | Pengiki.        |
| 18.              | 00                     | - | 05.9 U | 107       | -        | 14.0 T | Pendjantan.     |
| 19.              | 00                     | - | 33.1 U | 106       | -        | 58.2 T | Anak Awur.      |
| 20.              | 00                     | - | 55.2 U | 106       | -        | 44.5 T | Tokong Kemudi.  |
| 21.              | 01                     | - | 32.2 U | 106       | -        | 26.6 T | Kaju Ara.       |
| 22.              | 02                     | - | 18.1 U | 105       | -        | 35.5 T | Malang Biru.    |
| 23.              | 02                     | - | 44.6 U | 105       | -        | 23.0 T | Damar.          |
| 24.              | 03                     | - | 05.5 U | 105       | -        | 35.0 T | Mangkai.        |
| 25.              | 03                     | - | 19.8 U | 105       | -        | 57.0 T | Nanas.          |
| 26.              | 03                     | - | 26.5 U | 106       | -        | 16.0 T | Balajar.        |
| 27.              | 03                     | - | 18.0 U | 107       | -        | 33.9 T | Noord Hooiberg. |
| 28.              | 03°                    | - | 55.0 U | 107°      | -        | 54.0 T | Salor.          |
| 29.              | 04                     | - | 31.1 U | 107       | -        | 43.9 T | Semioen.        |
| 30.              | 04                     | - | 48.0 U | 103       | -        | 01.9 T | Sekatoeng.      |
| 31.              | 04                     | - | 01.1 U | 108       | -        | 25.9 T | Senua.          |
| 32.              | 03                     | - | 03.3 U | 108       | -        | 52.2 T | Subi.           |
| 33.              | 02                     | - | 38.5 U | 109       | -        | 10.5 T | Kepala.         |
| 34.              | 02                     | - | 04.1 U | 109       | -        | 06.9 T | Merundung.      |
| 35.              | 02                     | - | 05.2 U | 109       | -        | 38.3 T | Tg. Datu.       |

| Reference<br>number | CO-ORDINATES OF POINTS |   |        | Longitude | Location |                  |
|---------------------|------------------------|---|--------|-----------|----------|------------------|
|                     | Latitude               |   |        |           |          |                  |
| 36.                 | 04                     | - | 10.0 U | 117       | - 53.7 T | Tg. Saima.       |
| 36A                 | 04                     | - | 07.6 U | 117       | - 55.3 T | -                |
| 36B                 | 04                     | - | 03.7 U | 117       | - 55.5 T | -                |
| 37.                 | 03                     | - | 28.5 U | 117       | - 52.5 T | Tg. Arang.       |
| 38.                 | 02                     | - | 22.2 U | 118       | - 12.2 T | Pandjang.        |
| 39.                 | 02                     | - | 19.0 U | 118       | - 33.8 T | Tg Bui Tuwattan. |
| 40.                 | 01                     | - | 46.4 U | 119       | - 01.7 T | Sambit.          |
| 41.                 | 01                     | - | 01.3 U | 118       | - 59.5 T | Tg Mangkalihat.  |
| 42.                 | 00                     | - | 35.5 U | 119       | - 47.9 T | Tuguan.          |
| 43.                 | 01                     | - | 00.5 U | 120       | - 12.8 T | Lingian.         |
| 44.                 | 01                     | - | 20.5 U | 120       | - 47.6 T | Straat Kapar.    |
| 44A                 | 01                     | - | 22.6 U | 120       | - 53.5 T | Dalangan.        |
| 45.                 | 01                     | - | 19.2 U | 121       | - 28.1 T | H. Kandi.        |
| 46.                 | 01                     | - | 02.2 U | 122       | - 27.0 T | Tg. Sumalata.    |
| 47.                 | 00                     | - | 58.0 U | 123       | - 15.0 T | Tg. Dulang.      |
| 48.                 | 01                     | - | 09.6 U | 124       | - 20.1 T | Tg. Lainpangi.   |
| 49.                 | 01                     | - | 45.2 U | 124       | - 43.9 T | Yanterawu.       |
| 50.                 | 02                     | - | 21.5 U | 125       | - 17.6 T | Pasige.          |
| 51.                 | 02                     | - | 44.5 U | 125       | - 9.5 T  | Makalehi.        |
| 52.                 | 03                     | - | 42.9 U | 125       | - 23.9 T | Tg. Talawid.     |
| 53.                 | 04                     | - | 14.0 U | 125       | - 19.1 T | Kawalusu.        |
| 54.                 | 04                     | - | 40.4 U | 125       | - 25.6 T | Kawio.           |
| 55.                 | 04                     | - | 44.5 U | 125       | - 28.5 T | Marore.          |
| 56.                 | 05                     | - | 34.8 U | 126       | - 36.5 T | Miangas.         |
| 57.                 | 04                     | - | 45.0 U | 127       | - 09.0 T | Marampit.        |
| 58.                 | 04                     | - | 37.4 U | 127       | - 09.2 T | Kakarutan.       |
| 59.                 | 03°                    | - | 45.4 U | 126°      | - 51.2 T | Darnau.          |
| 60.                 | 02                     | - | 38.5 U | 128       | - 33.5 T | Tg. Sopi.        |
| 61.                 | 02                     | - | 30.2 U | 128       | - 40.4 T | Tg. Gorango.     |
| 62.                 | 01                     | - | 32.7 U | 128       | - 43.9 T | Gam Tjaka.       |
| 63.                 | 00                     | - | 43.5 U | 129       | - 08.1 T | Jiew.            |
| 64.                 | 00                     | - | 20.8 U | 129       | - 52.4 T | Ai.              |
| 65.                 | 00                     | - | 32.0 U | 130       | - 44.0 T | Budd.            |
| 66.                 | 01                     | - | 04.7 U | 131       | - 15.6 T | Fani.            |
| 67.                 | 00                     | - | 36.0 U | 131       | - 11.9 T | Aju eiln.        |
| 68.                 | 00                     | - | 11.0 S | 131       | - 18.8 T | H. Lamarche.     |
| 69.                 | 00                     | - | 43.5 S | 131       | - 32.5 T | Dore Hoem Bi.    |
| 70.                 | 00                     | - | 20.2 S | 132       | - 10.5 T | Mios Soe.        |
| 71.                 | 00                     | - | 21.8 S | 132       | - 43.0 T | Valsche Kaap.    |
| 72.                 | 00                     | - | 56.8 U | 134       | - 17.2 T | Mapia Eil.       |
| 73.                 | 00                     | - | 11.6 S | 134       | - 59.1 T | Ajawi.           |
| 74.                 | 00                     | - | 23.5 S | 135       | - 16.1 T | Bepondi.         |
| 75.                 | 00                     | - | 41.4 S | 135       | - 23.5 T | Tg. Imbieri.     |
| 76.                 | 00                     | - | 42.1 S | 135       | - 48.5 T | Tg. Praisbari.   |

| Reference<br>number | CO-ORDINATES OF POINTS |   |        | Longitude | Location |                  |
|---------------------|------------------------|---|--------|-----------|----------|------------------|
|                     | Latitude               |   |        |           |          |                  |
| 77.                 | 01                     | - | 04.9 S | 136       | - 23.3 T | Tg. Warari.      |
| 78.                 | 01                     | - | 27.8 S | 137       | - 55.0 T | Hoek d Uriville. |
| 79.                 | 01                     | - | 35.5 S | 138       | - 43.0 T | Liki.            |
| 80.                 | 02                     | - | 18.5 S | 140       | - 07.0 T | Tg. Kamdara.     |
| 80A                 | 02                     | - | 26.2 S | 140       | - 36.9 T | -                |
| 81.                 | 02                     | - | 36.2 S | 141       | - 00.0 T | Oinake.          |
| 82.                 | 09                     | - | 12.7 S | 141       | - 01.7 T | -                |
| 83.                 | 09                     | - | 00.4 S | 140       | - 49.9 T | Wanme.           |
| 84.                 | 08                     | - | 09.9 S | 139       | - 52.8 T | Biak R.          |
| 85.                 | 08                     | - | 12.8 S | 139       | - 20.0 T | Weleb.           |
| 86.                 | 08                     | - | 22.9 S | 138       | - 54.6 T | Kaap Kaol.       |
| 87.                 | 08                     | - | 25.1 S | 138       | - 47.7 T | Mom Boem.        |
| 88.                 | 08                     | - | 27.0 S | 137       | - 35.1 T | Kaap Valsch.     |
| 89.                 | 06                     | - | 55.1 S | 138       | - 32.5 T | De Jong's punt.  |
| 90.                 | 06                     | - | 22.0 S | 138       | - 24.5 T | Cook R.          |
| 91.                 | 05°                    | - | 43.1 S | 138°      | - 05.0 T | -                |
| 92.                 | 05                     | - | 22.5 S | 137       | - 43.0 T | Laag E.          |
| 93.                 | 04                     | - | 55.0 S | 136       | - 49.8 T | Kp. Steenboom.   |
| 94.                 | 04                     | - | 38.8 S | 136       | - 07.0 T | Amarapaja.       |
| 95.                 | 04                     | - | 27.7 S | 135       | - 12.8 T | Tg. Namaripi.    |
| 96.                 | 05                     | - | 19.3 S | 134       | - 35.0 T | Warilade.        |
| 97.                 | 05                     | - | 22.4 S | 134       | - 44.1 T | Djedah Eil.      |
| 98.                 | 06                     | - | 04.5 S | 134       | - 52.0 T | Kawaera eil      |
| 99.                 | 06                     | - | 19.7 S | 134       | - 52.2 T | Penambulai.      |
| 100.                | 06                     | - | 52.5 S | 134       | - 43.4 T | Kultu bai.       |
| 101A.               | 07                     | - | 01.8 S | 134       | - 40.1 T | Karang.          |
| 101.                | 07                     | - | 07.0 S | 134       | - 28.9 T | Enu.             |
| 102.                | 06                     | - | 57.2 S | 134       | - 10.6 T | Tg. Ngabordamlu. |
| 103.                | 06                     | - | 00.5 S | 132       | - 50.2 T | Tg. Weduar.      |
| 104.                | 07                     | - | 15.0 S | 131       | - 59.0 T | Larat.           |
| 105.                | 08                     | - | 03.8 S | 131       | - 17.5 T | Asutubun.        |
| 106.                | 08                     | - | 08.0 S | 131       | - 10.5 T | Adaut.           |
| 107.                | 08                     | - | 21.6 S | 130       | - 48.5 T | Bat Arkdusu.     |
| 108.                | 08                     | - | 13.7 S | 129       | - 50.1 T | Masela.          |
| 109.                | 08                     | - | 22.0 S | 128       | - 31.0 T | Meaty Miarang.   |
| 110.                | 08                     | - | 14.9 S | 127       | - 38.0 T | Luhulele.        |
| 111.                | 08                     | - | 06.4 S | 127       | - 09.5 T | Jen Tu.          |
| 112.                | 07                     | - | 58.7 S | 126       | - 28.2 T | Eden.            |
| 113.                | 08                     | - | 01.1 S | 125       | - 48.6 T | Pibia.           |
| 114.                | 08                     | - | 59.0 S | 124       | - 24.0 T | -                |
| 115.                | 09                     | - | 08.0 S | 124       | - 00.0 T | -                |
| 116.                | 09                     | - | 28.0 S | 125       | - 05.1 T | Mota Massin.     |
| 117.                | 09                     | - | 38.3 S | 124       | - 58.7 T | Tg. We Toh.      |
| 118.                | 10                     | - | 09.1 S | 125       | - 00.0 T | -                |

| Reference<br>number | CO-ORDINATES OF POINTS |   |      |   | Longitude | Location |      |   |                 |
|---------------------|------------------------|---|------|---|-----------|----------|------|---|-----------------|
|                     | Latitude               |   |      |   |           |          |      |   |                 |
| 119.                | 10                     | - | 16.5 | S | 124       | -        | 01.0 | T | -               |
| 120.                | 10                     | - | 49.6 | S | 123       | -        | 13.4 | T | Puleh.          |
| 121.                | 11                     | - | 00.9 | S | 122       | -        | 52.5 | T | Dana.           |
| 122.                | 10                     | - | 37.5 | S | 121       | -        | 50.8 | T | Tg. Merabu.     |
| 123.                | 10°                    | - | 50.0 | S | 121°      | -        | 17.0 | T | Dana.           |
| 124.                | 10                     | - | 19.0 | S | 120       | -        | 27.2 | T | Tg. Ngudju.     |
| 125.                | 10                     | - | 20.6 | S | 120       | -        | 06.8 | T | Atangudu.       |
| 126.                | 09                     | - | 48.0 | S | 119       | -        | 23.6 | T | Tg. Rua.        |
| 127.                | 09                     | - | 45.5 | S | 119       | -        | 11.6 | T | Tg. Mambo.      |
| 128.                | 09                     | - | 40.5 | S | 119       | -        | 02.0 | T | -               |
| 129.                | 08                     | - | 53.6 | S | 118       | -        | 29.9 | T | Toro Doro.      |
| 130.                | 09                     | - | 06.8 | S | 117       | -        | 02.0 | T | Tg. Talonan.    |
| 131.                | 08                     | - | 54.9 | S | 116       | -        | 00.0 | T | Tg. Pangga.     |
| 132.                | 08                     | - | 50.0 | S | 115       | -        | 50.3 | T | Tg Bt Gendang.  |
| 133.                | 08                     | - | 49.4 | S | 115       | -        | 35.9 | T | Nusa.           |
| 134.                | 08                     | - | 51.0 | S | 115       | -        | 08.1 | T | Tafelhock.      |
| 135.                | 08                     | - | 46.4 | S | 114       | -        | 30.9 | T | Tg. Bantenas.   |
| 136.                | 08                     | - | 44.5 | S | 114       | -        | 20.8 | T | Tg. Purwa.      |
| 137.                | 08                     | - | 39.0 | S | 114       | -        | 01.5 | T | Mustaks.        |
| 138.                | 08                     | - | 30.0 | S | 113       | -        | 18.5 | T | Barung.         |
| 139.                | 08                     | - | 24.0 | S | 111       | -        | 42.2 | T | Skel.           |
| 140.                | 08                     | - | 12.1 | S | 110       | -        | 42.2 | T | -               |
| 141.                | 08                     | - | 08.5 | S | 110       | -        | 33.0 | T | -               |
| 142.                | 07                     | - | 47.0 | S | 109       | -        | 25.2 | T | Bt. Tugur.      |
| 143.                | 07                     | - | 47.5 | S | 109       | -        | 02.1 | T | Kambangan.      |
| 144.                | 07                     | - | 49.0 | S | 108       | -        | 26.1 | T | -               |
| 145.                | 07                     | - | 44.9 | S | 107       | -        | 50.0 | T | Tg. Gedeh.      |
| 146.                | 07                     | - | 23.2 | S | 106       | -        | 24.5 | T | Genteng.        |
| 147.                | 07                     | - | 01.2 | S | 105       | -        | 31.6 | T | Deli.           |
| 148.                | 06                     | - | 50.5 | S | 105       | -        | 14.5 | T | Tg. Goha Kolah. |
| 149.                | 06                     | - | 37.8 | S | 105       | -        | 06.0 | T | Ganaila.        |
| 150.                | 05                     | - | 57.0 | S | 104       | -        | 35.8 | T | Balimbing.      |
| 151.                | 05                     | - | 39.1 | S | 104       | -        | 18.1 | T | -               |
| 152.                | 05                     | - | 14.5 | S | 103       | -        | 54.5 | T | Og. Walor.      |
| 153.                | 04                     | - | 49.0 | S | 103       | -        | 20.1 | T | Tg. Bandar.     |
| 154.                | 05                     | - | 33.1 | S | 102       | -        | 19.0 | T | -               |
| 155.                | 05°                    | - | 22.1 | S | 102°      | -        | 05.3 | T | Tg. Kooma.      |
| 156.                | 04                     | - | 02.0 | S | 101       | -        | 02.1 | T | Mega.           |
| 157.                | 03                     | - | 21.3 | S | 100       | -        | 27.8 | T | -               |
| 158.                | 03                     | - | 18.0 | S | 100       | -        | 19.9 | T | Baru - Baru.    |
| 159.                | 02                     | - | 50.0 | S | 99        | -        | 59.6 | T | Tg. Ratai.      |
| 160.                | 02                     | - | 18.0 | S | 98        | -        | 36.2 | T | Tg. Simailupa.  |
| 161.                | 01                     | - | 41.0 | S | 98        | -        | 52.8 | T | Siberut.        |
| 162.                | 01                     | - | 12.4 | S | 98        | -        | 35.0 | T | Siberut.        |

| Reference<br>number | CO-ORDINATES OF POINTS |   |      |   | Longitude | Location |      |   |                |
|---------------------|------------------------|---|------|---|-----------|----------|------|---|----------------|
|                     | Latitude               |   |      |   |           |          |      |   |                |
| 163.                | 00                     | - | 31.8 | S | 98        | -        | 17.0 | T | Tg. Hatik.     |
| 164.                | 00                     | - | 05.5 | S | 97        | -        | 51.0 | T | Semuk.         |
| 165.                | 00                     | - | 35.2 | U | 97        | -        | 40.2 | T | Laguadi.       |
| 166.                | 00                     | - | 49.8 | U | 97        | -        | 20.0 | T | Bawa.          |
| 167.                | 01                     | - | 12.0 | U | 97        | -        | 04.7 | T | Wunga.         |
| 168.                | 01                     | - | 24.1 | U | 97        | -        | 03.1 | T | Tg. Tojolawa.  |
| 169.                | 02                     | - | 04.1 | U | 96        | -        | 37.5 | T | Babi.          |
| 170.                | 02                     | - | 38.0 | U | 95        | -        | 47.0 | T | -              |
| 171.                | 02                     | - | 58.9 | U | 95        | -        | 23.0 | T | Kokos Eil.     |
| 172.                | 04                     | - | 07.5 | U | 96        | -        | 06.7 | T | Meulaboh.      |
| 173.                | 04                     | - | 36.9 | U | 95        | -        | 34.0 | T | Tjalang Bi.    |
| 174.                | 04                     | - | 52.0 | U | 95        | -        | 22.0 | T | Roja.          |
| 175.                | 05                     | - | 17.0 | U | 95        | -        | 11.9 | T | Rusa.          |
| 176.                | 05                     | - | 48.0 | U | 94        | -        | 57.5 | T | Noord West E.  |
| 177.                | 06                     | - | 05.0 | U | 95        | -        | 07.0 | T | Rondo.         |
| 178.                | 05                     | - | 54.0 | U | 95        | -        | 20.0 | T | Le Meule.      |
| 179.                | 05                     | - | 30.4 | U | 95        | -        | 53.0 | T | Og. Pidie.     |
| 180.                | 05                     | - | 16.5 | U | 96        | -        | 49.5 | T | Og. Peusangan. |
| 181.                | 05                     | - | 17.0 | U | 97        | -        | 29.0 | T | -              |
| 182.                | 04                     | - | 53.0 | U | 97        | -        | 55.0 | T | Og. Peureula.  |
| 183.                | 03                     | - | 55.3 | U | 98        | -        | 40.2 | T | Og. Temiang.   |
| 184.                | 03                     | - | 47.4 | U | 99        | -        | 29.6 | T | Berhala.       |
| 185.                | 02                     | - | 52.0 | U | 100       | -        | 33.8 | T | Noordrots.     |
| 186.                | 02°                    | - | 9.4  | U | 101°      | -        | 39.5 | T | Tg. Medang.    |
| 187.                | 01                     | - | 06.0 | U | 102       | -        | 59.0 | T | Tg. Kedabu.    |
| 188.                | 01                     | - | 11.6 | U | 103       | -        | 21.0 | T | Iju.           |
| 189.                | 01                     | - | 10.0 | U | 103       | -        | 23.4 | T | Karimun.       |
| 190.                | 01                     | - | 09.2 | U | 103       | -        | 39.3 | T | Nipa.          |
| 191.                | 01                     | - | 7.9  | U | 103       | -        | 42.0 | T | -              |
| 192.                | 01                     | - | 10.9 | U | 103       | -        | 52.9 | T | Berhanti.      |
| 193.                | 01                     | - | 12.5 | U | 104       | -        | 04.3 | T | Nongsa.        |
| 194.                | 01                     | - | 12.3 | U | 104       | -        | 23.5 | T | Tg. Sading.    |
| 195.                | 01                     | - | 13.8 | U | 104       | -        | 35.6 | T | Tg. Berakit    |





(b) Declaration of an Indonesian exclusive economic zone of 21 March 1980

The Government of the Republic of Indonesia

Bearing in mind that improving the Nation's welfare by exploiting all available natural resources, both living and non-living, is the aim and purpose of the Indonesian Government and Nation;

Being aware that in order to attain the above aim and purpose, the natural resources of the sea-bed and subsoil and the superjacent waters have to be protected and managed in an appropriate, purposeful and rational manner;

Noting that State practice indicates that the regime of exclusive economic zone of 200 nautical miles has been accepted as part of the new international law of the sea;

Recognizing the need for Indonesia to proclaim a Government Declaration concerning the Exclusive Economic Zone of Indonesia;

DECLARES AS FOLLOWS:

1. The Exclusive Economic Zone of Indonesia is the area beyond the Indonesian Territorial Sea as promulgated by virtue of Law No. 4 of 1960 concerning Indonesian Waters, the breadth of which extends to 200 nautical miles from the baselines from which the breadth of the Indonesia Territorial Sea is measured.
2. In the Exclusive Economic Zone, Indonesia has and exercises:
  - (a) sovereign rights for the purpose of exploring and exploiting, managing and conserving living and non-living natural resources of the sea-bed and subsoil and the superjacent waters and sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;
  - (b) jurisdiction with regard to:
    - (1) the establishment and use of artificial islands, installations and structures;
    - (2) marine scientific research;
    - (3) the preservation of the marine environment;
    - (4) other rights based on international law.
3. The sovereign rights of Indonesia as referred to in paragraph 2 of this Government Declaration shall, with respect to the sea-bed and subsoil, continue to be exercised in accordance with the provisions of the laws and regulations of Indonesia concerning Indonesian Waters and the Indonesian Continental Shelf, international agreements and international law.

4. In the Exclusive Economic Zone of Indonesia, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines will continue to be recognized in accordance with the principles of the new international law of the sea.

5. Where the boundary line of the Exclusive Economic Zone of Indonesia poses a problem of delimitation with an adjacent or opposite State, the Indonesian Government is prepared, at an appropriate time, to enter into negotiations with the State concerned with a view to reaching an agreement,

6. The above Provisions will further be regulated by a law and regulations.

This Government Declaration will come into force on the date of its announcement.

Jakarta, 21 March 1980.

6. KIRIBATI

Marine Zones (Declaration) Act, 1983 <sup>1/</sup>  
Act of 16 May 1983

An act to make provision in respect of the internal waters, the archipelagic waters, the territorial sea and the exclusive economic zone of Kiribati.

PART I  
PRELIMINARY

1. Short title and commencement

This Act may be cited as the Marine Zones (Declaration) Act, 1983

2. Interpretation

(1) In this Act, unless the context otherwise requires:

"the base-line of Kiribati" means the low-water line of the seaward side of the reef fronting the coast of any part of Kiribati or bounding any lagoon waters adjacent to any part of that coast, or where a reef is not present the low-water line of the coast itself;

"conservation and management" includes all rules, regulations, methods and measures that:

- (a) are required to build, restore or maintain, or are useful in building, restoring or maintaining, any fishery resource or the marine environment; or
- (b) are designed to ensure that:
  - (i) a supply of food and other products may be taken, and recreational benefits may be obtained, on a continuing basis; and
  - (ii) irreversible or long-term ill-effects on fishery resources or the marine environment are avoided; and
  - (iii) there will be a multiplicity of options available with respect to uses of those resources;

"fishery resource" means any fishery, stock of fish, species of fish or habitat of fish;

"low-tide elevation" means a naturally-formed area of land that is surrounded by and is above water at mean low-water spring tides but is submerged at mean high-water spring tides;

---

<sup>1/</sup> Regional Compendium of Fisheries Legislation (Western Pacific Region), vol. I, Legislative Study No. 35 (FAO), pp. 315-320.

"low-water line", in relation to any area, means the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of the area held by the Minister responsible for marine affairs;

"the median line" means a line every point of which is equidistant from the nearest point of:

- (a) the base-lines from which the territorial sea of Kiribati is measured; and
- (b) the corresponding base-lines of any other country;

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

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be regarded as forming part of the coast.

### 3. References to rules of international law

Where in this Act it is provided that anything shall be done, or any law or order shall be made, in accordance with the rules of international law, the question, whether it was so done or made, is non-justiciable.

### 4. Internal waters

(1) For the purposes of any law of Kiribati, the internal waters of Kiribati are all waters on the landward side of the base-lines from which the breadth of the territorial sea is measured, and where closing lines are drawn in accordance with Subsection (2) - the waters inland of those lines to the extent that they are outside the base-line of Kiribati.

(2) The Minister may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or lists of geographical co-ordinates, specifying the geodetic datums, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of Kiribati, in the case of the mouths of or entrances to lagoons.

### 5. Archipelagic waters

(1) For the purposes of any law of Kiribati, the archipelagic waters (if any) of Kiribati comprise all areas of sea contained within the base-lines established under Subsection (2).

(2) The Minister may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates, specifying the geodetic datums, the points between which straight base-lines are to be drawn for the purpose of determining the outer limits of the archipelagic waters of Kiribati and the inner limits of the territorial sea.

6. The territorial sea

(1) Subject to Subsection (2), for the purposes of any law of Kiribati the territorial sea of Kiribati is those parts of the sea within 12 nautical miles from the outer limits of the internal waters of Kiribati.

(2) Where archipelagic base-lines are drawn under Section 5(2), the breadth of the territorial sea shall be measured from those base-lines to the extent to which they are outside the outer limits of the internal waters of Kiribati.

7. The exclusive economic zone

(1) Subject to the succeeding provisions of this section, for the purposes of any law of Kiribati the exclusive economic zone of Kiribati comprises those parts of the sea having as their inner limits the outer limits of the territorial sea; and as their outer limits a line drawn 200 nautical miles seaward from the outer limits of the inland waters of Kiribati.

(2) The Minister may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates, specifying the geodetic datums, points between which straight base-lines are to be drawn for determining the outer limits of the exclusive economic zone.

(3) Where base-lines are drawn in accordance with Subsection (2), the breadth of the exclusive economic zone shall be measured from those base-lines.

(4) The Minister may, by order, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of Kiribati extend to such line, being a line to the landward of the outer limits of the exclusive economic zone as defined in accordance with Subsection (1) or Subsection (3), as the case requires as is specified in the order.

(5) Where the median line is less than 200 nautical miles from the line from which the breadth of the territorial sea is to be measured, the outer limits of the exclusive economic zone extend to the median line.

(6) All areas of seabed, and the subsoil under the seabed, of the exclusive economic zone shall be treated, for the purposes of any law of Kiribati, as part of the continental shelf of Kiribati.

8. Legal character of marine zones, etc.

(1) The sovereignty of the Republic of Kiribati extends beyond its land territory and internal waters over the territorial sea, and to the airspace over them and the seabed and subsoil under them.

(2) Within the exclusive economic zone, the Republic of Kiribati has sovereign rights for the purposes of exploring and of exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and the subsoil under the sea-bed and the waters over the sea-bed.

(3) The sovereignty and sovereign rights of the Republic of Kiribati under this section shall be exercised in accordance with the rules of international law.

#### 9. Rights of States in marine zones

(1) Subject to the succeeding provisions of this section, ships and aircraft of all States have, in accordance with the rules of international law, the right of free passage through and over the territorial seas and the archipelagic waters of Kiribati.

(2) The Minister may, in accordance with the rules of international law, by order designate sealanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in any such sealanes.

(3) In sealanes and air routes designated under Subsection (2) all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial seas, from one part of the exclusive economic zone to another part of it.

(4) Until sealanes and air routes are prescribed under Subsection (2), the rights of navigation and overflight referred to in Subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in Subsections (3) and (4) are subject to all laws of Kiribati made in accordance with the rules of international law.

(6) Subject to this and any other Act and to the rules of international law, all States and their nationals shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law.

#### 10. General regulations as to the exclusive economic zone

Where no other provision is made by or under any other Act for the purpose, the Minister may make regulations, which shall be in accordance with the rules of international law, for all or any of the following purposes:

- (a) regulating the conduct of scientific research within the exclusive economic zone; and
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds, and for other economic purposes; and

- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including requirements for the establishment of safety zones around any such island, installation or structure; and
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of Kiribati in relation to the exclusive economic zone, or as are necessary to give full effect to the provisions of this Act.

#### 11. Charts, publicity, etc.

(1) The Minister shall cause all closing lines, base-lines and other lines drawn for the purposes of this Act, for determining the limits of the internal waters, the archipelagic waters, the territorial seas and the exclusive economic zone of Kiribati to be clearly indicated on charts of a scale or scales adequate for them to be readily determined, and shall give adequate publicity to Gazette and otherwise.

(2) A question, whether adequate publicity has been given under Subsection (2) is adequate, is non-justiciable.

(3) A copy of each chart referred to in Subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary-General of the South Pacific Commission.

#### 12. Evidentiary provisions

In any proceedings before a court or person acting judicially, a certificate purporting to be signed by the Marine Superintendent stating that any specific nautical chart of any area is a chart to which Section 11 applies that is held by the Minister is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.

7. PAPUA NEW GUINEA

National Seas Act, 1977 1/  
Act No. 7 of 7 February 1977

Arrangement of Sections

PART I. PRELIMINARY.

1. Interpretation:
  - "baseline".
  - "low water elevation".
  - "low water line".
  - "miles".

PART II. TERRITORIAL SEA.

2. Description of internal waters.
3. Location of limits of territorial sea.
4. Baselines where no determination made.

PART III. INTERNAL WATERS.

5. Description of internal waters.

PART IV. OFFSHORE SEAS

6. Description of offshore seas.

PART V. ARCHIPELAGIC WATERS.

7. Description of archipelagic waters.

PART VI. MISCELLANEOUS.

8. Location of lines in cases of doubt.

PART VII. TRANSITIONAL.

9. Interim delimitation of archipelagic waters.

SCHEDULE 1. Principles for Ascertaining Baselines.

SCHEDULE 2. Interim Delimitation of Archipelagic Waters.

Being an Act to describe and provide for the demarcation of:

- (a) the territorial sea; and
- (b) the internal waters; and
- (c) the offshore seas; and
- (d) the archipelagic waters,

for the purpose of asserting the rights of the States in relation to those areas,

MADE by the National Parliament to come into operation in accordance with a notice published in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

---

1/ New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), pp. 206-219.

PART I. PRELIMINARY

1. INTERPRETATION

(1) In this Act, unless the contrary intention appears:

"baseline" means territorial sea baseline;

"low water elevation" means a naturally formed area of land surrounded by and above water at mean low water springs but submerged at high water;

"low water line" means the low water line at mean low water springs;

"miles" means international nautical miles.

(2) For the purposes of this Act:

(a) the eastern part of the island of New Guinea; and

(b) each island under the sovereignty of the State,

shall be deemed to have a separate continuous baseline.

PART II. TERRITORIAL SEA

2. DESCRIPTION OF TERRITORIAL SEA

The territorial sea of the State comprises all the waters, being waters forming part of the offshore seas, contained between the baselines and the outer-limit lines except for any such waters proclaimed under this section by the Head of State, acting on advice, not to form part of the territorial sea.

3. LOCATION OF LIMITS OF TERRITORIAL SEA

(1) For the purposes of Section 2:

(a) the location of a baseline or a part of a baseline may be determined by the Head of State, acting on advice, by notice published in the National Gazette; and

(b) an outer-limit line is the line every point of which is a limit point.

(2) In this section "limit point" means a point which is 12 miles seaward from the nearest point on a baseline.

4. BASELINES WHERE NO DETERMINATION MADE

Where no determination has been made under Section 3 in relation to any part of the coast, then to that extent the location of the baseline shall be ascertained in accordance with Schedule 1.

PART III. INTERNAL WATERS

5. DESCRIPTION OF INTERNAL WATERS

(1) The internal waters of the State comprise the waters in any part of the country including all waters on the landward side of the baselines.

(2) In Subsection (1) "waters" includes bays, gulfs, inlets of the sea, rivers, rivulets, streams, lakes and lagoons.

PART IV. OFFSHORE SEAS

6. DESCRIPTION OF OFFSHORE SEAS

Subject to delimitation of boundaries in relation to neighbouring States, the offshore seas of the State extend to a distance of 200 miles seaward from the baselines and, unless otherwise specified, shall be deemed to comprise all the waters outside the baselines and within a line proclaimed for the purposes of this section by the Head of State, acting on advice, in the National Gazette.

PART V. ARCHIPELAGIC WATERS

7. DESCRIPTION OF ARCHIPELAGIC WATERS

(1) The archipelagic waters of the State comprise all the waters of the archipelagos under the sovereignty of the State, being waters which, subject to Subsection (2), form part of the offshore seas.

(2) The internal waters of the Tauu Islands Archipelago and of the Nukumanu Islands Archipelago may form part of the archipelagic waters.

(3) For the purposes of Subsection (1) the waters of an archipelago are the waters within a line delimited by the Head of State, acting on advice, by notice published in the National Gazette for the purposes of this section.

(4) Archipelagic waters may be delimited in relation to land areas by reference to low water points.

(5) In this section -

"associated feature" means any:

- (a) islet; or
- (b) rock; or
- (c) drying reef; or
- (d) off-lying low water elevation,

that is within the area of the offshore seas and is adjacent to, near or associated with a feature of the coastline;

"feature of the coastline" includes promontory, cape, reef, mud bank, sandbar;

"low water point" means the mark at mean low water springs on a feature of the coastline or on an associated feature;

"the Nukumanu Islands Archipelago" means all of the islands lying between the parallels 4° 20' and 4° 50' south latitude and between the meridians 159° and 160° east longitude;

"the Tauu Islands Archipelago" means all of the islands lying between the parallels 4° 30' and 5° south latitude and between the meridians 156° 30' and 157° 30' east longitude".

#### PART VI. MISCELLANEOUS

##### 8. LOCATION OF LINES IN CASES OF DOUBT

(1) In any case where there is doubt as to the location of a baseline or any other line delimited under this Act the Minister may, by notice published in the National Gazette, declare the location of the baseline or other line by whatever method appears to him to be appropriate.

(2) A reference in Subsection (1) to a baseline or other line includes a reference to part of a baseline or other line.

#### PART VII. TRANSITIONAL

##### 9. INTERIM DELIMITATION OF ARCHIPELAGIC WATERS

(1) This section and Schedule 3 expire on the commencement of the first notice to be made under Section 7.

(2) Until the archipelagic waters are delimited in accordance with Section 7 the archipelagic waters shall be deemed to have been delimited under that section in accordance with the line described in Schedule 2.

SCHEDULE 1

Principles for ascertaining baselines

1. INTERPRETATION OF SCHEDULE 1

(1) In this Schedule "bay" means an indentation in the coastline the area of which is at least as great as that of a semicircle with a diameter equal to the distance across the mouth of the indentation.

(2) For the purposes of this Schedule the outermost permanent harbour works which form an integral part of the harbour system shall be deemed to form part of the coast.

2. GENERAL PRINCIPLE

Subject to this Schedule, in respect of each part of the coast the baseline follows the low water line.

3. Where the distance between the low water line on each natural entrance point of a bay:

- (a) does not exceed 24 miles, the baseline follows a straight line between those two points; or
- (b) exceeds 24 miles, the baseline follows a straight line of 24 miles length within the bay positioned so as to enclose the maximum area of water.

4. LOW WATER ELEVATIONS

(1) Where a low water elevation is situated wholly or partly within 12 miles of the coast the baseline follows the low water line of the elevation.

(2) A low water elevation does not become part of the coast by virtue of Subsection (1).

5. RIVERS

In respect of the mouth or each mouth of a river which flows into the sea the baseline follows a straight line across the river mouth between the points on the low water line of each bank.

SCHEDULE 2

Interim delimitation of archipelagic waters

PART 1

The principal archipelago

A line commencing at the southernmost point of the land boundary with Indonesia and following that boundary to its northernmost point and then following the geodesic lines successively linking the outermost low water points of the following land areas, namely:

- (a) Wuvulu Island;
- (b) Aua Island;
- (c) Manu Island;

- (d) Palitolla Island (Pellelehu Group);
- (e) Heina Islands;
- (f) Sae Islands;
- (g) Kaniet Islands;
- (h) Marengan Island;
- (i) Ahet Island;
- (j) Ponam Island;
- (k) Andra Island;
- (l) Hapinbuch Island;
- (m) Hus Island;
- (n) Onpeta Island;
- (o) Mandrindr Island;
- (p) Pityilu Island;
- (q) Hauwei Island;
- (r) Ndrilo Island;
- (s) Koruniat Island;
- (t) Los Negros Island;
- (u) Pak Island;
- (v) Tong Island;
- (w) Towi Island;
- (x) Putuli Island;
- (y) Mbatmanda Island;
- (z) Mussau Island;
- (za) Emirau Island;
- (zb) Elomusao Island;
- (zc) Enus Island;
- (zd) Simberi Island;
- (ze) Mahur Island;
- (zf) Boang Island;
- (zg) Malum Islands;
- (zh) Southern Nuguria Islands;
- (zi) Kilinailau Islands;
- (zj) Anusagaio Island;
- (zk) Islands and low water points around the south-east and south coast of Bougainville to Kabukeai Island;
- (zl) Motupena Point;
- (zm) Puruata Island;
- (zn) Islands and low water points along the north-west coast of Bougainville to Cape Rungnoum;
- (zo) Cape St. George (New Ireland);
- (zp) Cape Orford (New Britain);
- (zq) Islands and low water points along the south coast of New Britain to Kauptimeti Island;
- (zr) Tami Island;
- (zs) Mitre Rock;
- (zt) Cape Nelson;
- (zu) Kanapu Island;
- (zv) Gwadarab Island;
- (zw) Kuaniagal Island;
- (zx) Simlindon Island;
- (zy) Kadai Island;
- (zz) Bomatu Point (Kiriwina Island);
- (zza) Iwa Island;
- (zzb) Dugumenu Island;
- (zzc) Cam Point (Madau Island);
- (zzd) Woodlark Island;
- (zze) Cannac Island;

|        |  |
|--------|--|
| (zzf)  | Wabomat Island;  |
| (zzg)  | Budelun Island;  |
| (zzh)  | Bukulan Island;  |
| (zzi)  | Oburak Island;   |
| (zzj)  | Tokona Island;   |
| (zzk)  | Cape Henry (Misima Island);  |
| (zsl)  | Renard Islands;  |
| (zzm)  | Rossel Island;   |
| (zzn)  | Loa Boloba Island;   |
| (zso)  | Tagula Island;   |
| (zzp)  | Duchateau Island;  |
| (zzq)  | Pana Boba Island;  |
| (zzr)  | Montemont Island;  |
| (zss)  | Pana Waipona Island;   |
| (zst)  | Punawan Island;  |
| (zsu)  | Duperre Islets;  |
| (zsv)  | Lejeune Island;  |
| (zsw)  | Long Reef Island;  |
| (zsx)  | Sable Island;  |
| (zsy)  | Quessant Island;   |
| (zsz)  | Steuers Island;  |
| (zzsa) | Dumoulin Island;   |
| (zzsb) | Harikoia Island;   |
| (zzsc) | Brumer Island;   |
| (zzsd) | Baibesiga Island;  |
| (zzse) | Suau Island;   |
| (zzsf) | the southern coast of the island of New Guinea (in a westerly direction to the point of commencement). |

## PART 2

### The Tauu Islands Archipelago

A line enclosing all islands, shoals, rocks and reefs (whether or not submerged) lying between the parallels 4° 30' and 5° south latitude and between the meridians 156° 30' and 157° 30' east longitude the line being a continuous line drawn between the outermost points of islands, shoals, rocks and reefs and shown on a chart designated by the Minister by notice published in the National Gazette.

## PART 3

### The Nukumanu Islands Archipelago

A line enclosing all islands, shoals, rocks and reefs (whether or not submerged) lying between the parallels 4° 20' and 4° 50' south latitude and between the meridians 159° and 160° east longitude the line being a continuous line drawn between the outermost points of islands, shoals, rocks and reefs and shown on a chart designated by the Minister by notice published in the National Gazette.

I hereby certify that the above is a fair print of the National Seas Act 1977 which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the National Seas Act 1977 was made by the National Parliament on 7 February 1977.

Speaker of the National Parliament.

National Seas Act 1977

OFFSHORE SEAS PROCLAMATION 1978,

Being a Proclamation -

- (a) to delimit the offshore seas of the State; and
- (b) to provide that certain waters do not form part of the territorial sea of the State,

and for other purposes,

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the National Seas Act 1977.

1. OUTER LIMIT OF OFFSHORE SEAS

The line consecutively described in Schedules 1, 2 and 3 is the line for the purposes of Section 6 of the National Seas Act 1977 and, subject to Sections 3(2) and 4 of this Proclamation, the offshore seas of the State shall be deemed to comprise all the waters outside the baselines and within the line so described.

2. LINE DESCRIBED IN SCHEDULES 1 AND 3

(1) That part of the line described in Schedules 1 and 3 is drawn -

- (a) to give effect to agreements with other States where agreement on the line has been reached; and
- (b) without prejudice to the ultimate location of appropriate boundary lines, to adopt an interim boundary in areas where no agreement with other States has been reached; and
- (c) to adopt limits of 200 miles from the baselines where no boundary lines with other States may appropriately be drawn.

(2) Subject to Subsection (3), the description contained in Schedules 1 and 3 is based on the nautical charts BA3250, BA3832, BA3830, BA214, BA208 and BA2759a in respect of the areas covered by those charts.

(3) The points described in the Schedules as Points 30 to 42 inclusive, and the descriptions of those parts of the line commencing at Point 30 and ending at Point 38 and commencing at Point 39 and ending at Point 42 respectively, have been based on the current World Aeronautical Charts of the area in which those points and parts of the line are located.

3. TEMPORARY LIMIT

(1) In this section "Secondary Area" means the area of sea bounded by the temporary line described in Schedule 2 and a more southerly line between Points 38 and 39 provisionally agreed upon between the State and Australia to be proclaimed after an opportunity for further consultation between the two Governments on outstanding matters of substance concerning the nature and manner of exercise of jurisdiction in that area so as to safeguard the interests of all affected parties.

(2) For the purposes of this Proclamation, so much of the waters of the sea as are within three miles of the land of the islands specified in Schedule 5 that would not, but for this section, fall within the Secondary Area shall be deemed to be within the Secondary Area.

(3) Nothing in Subsection (2) shall be construed as indicating that the State abandons its seabed resources jurisdiction associated with the islands specified in Schedule 5, but that subsection shall be read as indicating only that the State intends to suspend temporarily the exercise of such jurisdiction over and in respect of so much of the area of those waters as lies north of the temporary line described in Schedule 2 pending the outcome of further negotiations between the State and Australia.

#### 4. CERTAIN WATERS NOT INCLUDED IN OFFSHORE SEAS

The offshore seas of the State shall not be deemed to include the waters described in Schedule 4.

#### 5. CERTAIN WATERS NOT INCLUDED IN TERRITORIAL SEA

For the purposes of Section 2 of the National Seas Act 1977, so much of the waters of the sea in the area described in Schedule 6 as are contained between the baselines and the 12 mile outer-limit line that are more than three miles seaward from the nearest point on the baselines do not form part of the territorial sea.

### SCHEDULE 1

#### PART OF PROCLAIMED LINE

Commencing at the point of the intersection of the meridian 141° east longitude with the mean low water line on the northern coast of the island of New Guinea (Point 1) thence along straight lines successively linking that point and the following points:

- Point 2: the intersection of the parallel 2° 08' 30" south latitude with the meridian 141° 01' 30" east longitude.
- Point 3: the intersection of the parallel 1° 04' 00" south latitude with the meridian 141° 23' 42" east longitude.
- Point 4: the intersection of the parallel 0° 55' 54" south latitude with the meridian 141° 20' 30" east longitude.
- Point 5: the intersection of the parallel 0° 47' 00" south latitude with the meridian 140° 49' 00" east longitude,

thence along a straight line towards the intersection of the parallel 2° 41' 00" north latitude with the meridian 140° 46' 00" east longitude to the most northerly point on that line (Point 6) that is 200 miles from the nearest point on a baseline, thence in a generally easterly direction along a line every point on which is 200 miles from the nearest point on a baseline to the first point (Point 7) on that line that is 200 miles from a base point in the Caroline Islands (hereinafter called "the Micronesian base point") which base

point shall be deemed to be the intersection of the parallel  $1^{\circ} 02' 00''$  north latitude with the meridian  $154^{\circ} 46' 00''$  east longitude; thence in a generally easterly direction along a median line between the nearest points on the baselines and the Micronesian base point to the next point on that median line (Point 8) that is 200 miles from the nearest point on a baseline; thence in a generally easterly and southerly direction along a line every point on which is 200 miles from the nearest points on the baselines to the first point on that line (Point 9) that is 200 miles from the nearest point of land in the Solomon Islands; thence in a generally westerly direction and the nearest points of land in the Solomon Islands to the point on that median line (Point 10) that is 20 miles in a generally south-easterly direction from the nearest point on a baseline of Nukumanu Atoll; thence along the geodesics successively linking Point 10 and the following points:

- Point 11: the intersection of the parallel  $4^{\circ} 48' 30''$  south latitude with the meridian  $158^{\circ} 46' 30''$  east longitude.
- Point 12: the intersection of the parallel  $4^{\circ} 45' 00''$  south latitude with the meridian  $158^{\circ} 26' 00''$  east longitude.
- Point 13: the intersection of the parallel  $4^{\circ} 48' 30''$  south latitude with the meridian  $158^{\circ} 46' 30''$  east longitude.
- Point 14: the intersection of the parallel  $5^{\circ} 04' 30''$  south latitude with the meridian  $158^{\circ} 07' 00''$  east longitude.
- Point 15: the intersection of the parallel  $5^{\circ} 37' 00''$  south latitude with the meridian  $157^{\circ} 59' 00''$  east longitude.
- Point 16: the intersection of the parallel  $5^{\circ} 52' 00''$  south latitude with the meridian  $157^{\circ} 56' 00''$  east longitude.
- Point 17: the intersection of the parallel  $5^{\circ} 54' 00''$  south latitude with the meridian  $157^{\circ} 20' 00''$  east longitude.
- Point 18: the intersection of the parallel  $5^{\circ} 40' 00''$  south latitude with the meridian  $156^{\circ} 30' 00''$  east longitude.
- Point 19: the intersection of the parallel  $5^{\circ} 54' 00''$  south latitude with the meridian  $156^{\circ} 26' 00''$  east longitude.
- Point 20: the intersection of the parallel  $6^{\circ} 19' 00''$  south latitude with the meridian  $156^{\circ} 16' 30''$  east longitude.

thence along the geodesic to Point 21 that is the first point 12 miles seaward and equidistant from the nearest point on the baseline of OTUA Island and the nearest point of land in the Solomon Islands; thence along a line passing to the south of Bougainville Island being a median line between the nearest points on the baselines and the nearest points of land in the Solomon Islands, to a point on that line (Point 22) 12 miles in a generally south-easterly

direction from the nearest point on the baseline of KABUKEA Island; thence along the geodesics successively linking Point 22 and the following points:

- Point 23: the intersection of the parallel  $7^{\circ} 15' 00''$  south latitude with the meridian  $155^{\circ} 13' 30''$  east longitude.
- Point 24: the intersection of the parallel  $7^{\circ} 29' 00''$  south latitude with the meridian  $154^{\circ} 52' 00''$  east longitude.
- Point 25: the intersection of the parallel  $9^{\circ} 20' 00''$  south latitude with the meridian  $155^{\circ} 31' 00''$  east longitude.
- Point 26: the intersection of the parallel  $10^{\circ} 41' 00''$  south latitude with the meridian  $156^{\circ} 40' 00''$  east longitude.
- Point 27: the intersection of the parallel  $11^{\circ} 14' 00''$  south latitude with the meridian  $157^{\circ} 05' 00''$  east longitude.
- Point 28: the intersection of the parallel  $12^{\circ} 52' 00''$  south latitude with the meridian  $157^{\circ} 25' 00''$  east longitude.
- Point 29: the intersection of the parallel  $13^{\circ} 43' 00''$  south latitude with the meridian  $157^{\circ} 07' 30''$  east longitude.
- Point 30: the intersection of the parallel  $14^{\circ} 05' 00''$  south latitude with the meridian  $156^{\circ} 40' 00''$  east longitude.
- Point 31: the intersection of the parallel  $14^{\circ} 45' 00''$  south latitude with the meridian  $154^{\circ} 15' 00''$  east longitude.
- Point 32: the intersection of the parallel  $14^{\circ} 38' 00''$  south latitude with the meridian  $152^{\circ} 07' 00''$  east longitude.
- Point 33: the intersection of the parallel  $13^{\circ} 15' 00''$  south latitude with the meridian  $148^{\circ} 10' 00''$  east longitude.
- Point 34: the intersection of the parallel  $13^{\circ} 10' 00''$  south latitude with the meridian  $148^{\circ} 03' 00''$  east longitude.
- Point 35: the intersection of the parallel  $12^{\circ} 35' 00''$  south latitude with the meridian  $147^{\circ} 05' 00''$  east longitude.
- Point 36: the intersection of the parallel  $12^{\circ} 20' 00''$  south latitude with the meridian  $146^{\circ} 30' 00''$  east longitude.
- Point 37: the intersection of the parallel  $9^{\circ} 51' 00''$  south latitude with the meridian  $144^{\circ} 44' 00''$  east longitude.
- Point 38: the intersection of the parallel  $9^{\circ} 30' 00''$  south latitude with the meridian  $144^{\circ} 15' 00''$  east longitude.

SCHEDULE 2

TEMPORARY LINE

Commencing at Point 38 described in Schedule 1 and proceeding in a northerly direction along the meridian  $144^{\circ} 15' 00''$  east longitude to the intersection of that meridian with a composite line being the line every point of which is on:

- (a) the seaward limit of the declared offshore area under the Petroleum (Submerged Lands) Act 1975 as at 16th September 1975; or
- (b) the seaward limit of the declared fishing zone described in Section 2 of the Fisheries Act 1974, as in force on 16th September 1975, as if the baseline within the meaning of the National Seas Act 1977 were the baseline referred to in that section,

whichever limit is, on any meridian of longitude, the more southern; thence in a generally westerly direction along that composite line to its intersection with the meridian  $141^{\circ} 20' 00''$  east longitude; and thence along that meridian of longitude south to Point 39 being the intersection of that meridian with the parallel  $10^{\circ} 10' 30''$  south latitude.

SCHEDULE 3

PART OF PROCLAIMED LINE

Commencing at Point 39 described in Schedule 2 and thence along the geodesics successively linking that point and the following points:

- Point 40: the intersection of the parallel  $10^{\circ} 59' 00''$  south latitude with the meridian  $140^{\circ} 00' 00''$  east longitude.
- Point 41: the intersection of the parallel  $11^{\circ} 09' 00''$  south latitude with the meridian  $139^{\circ} 23' 00''$  east longitude.
- Point 42: the intersection of the parallel  $10^{\circ} 50' 00''$  south latitude with the meridian  $139^{\circ} 12' 00''$  east longitude.

thence along straight lines successively linking Point 42 and the following points:

- Point 43: the intersection of the parallel  $10^{\circ} 24' 00''$  south latitude with the meridian  $139^{\circ} 46' 00''$  east longitude.
- Point 44: the intersection of the parallel  $9^{\circ} 52' 00''$  south latitude with the meridian  $140^{\circ} 29' 00''$  east longitude.
- Point 45: the intersection of the parallel  $09^{\circ} 24' 30''$  south latitude with the meridian  $140^{\circ} 49' 30''$  east longitude.
- Point 46: the intersection of the parallel  $9^{\circ} 23' 00''$  south latitude with the meridian  $140^{\circ} 52' 00''$  east longitude.

and thence along a straight line between Point 46 and a point described as "point B3" in articles 3 and 4 of the Agreement set forth in the Schedule to the Indonesian Border Agreement Act 1973, to the point where that line

crosses the southern coast of the island of New Guinea, or if that line does not cross that coast, to that point B3 and thence by a straight line between that point and the position of the marker described as "MM14" in article 1 of that Agreement to the point where that line first crosses the coast or enters the internal waters of the State, as the case may be.

#### SCHEDULE 4

##### WATERS NOT INCLUDED IN OFFSHORE SEAS

1. The waters of the sea contained in the area bounded by a line every point on which is three miles seaward from the nearest points on the coast of the islands of SABAI (including, for this purpose, KAUAMAG) and DAUAN, except where such a line is less than three miles from any other land, where the line shall be a median line between those islands and that other land.
2. The waters of the sea contained in the area bounded by a line every point on which is three miles seaward from the nearest point on the coast of BOIGU Island (including, for this purpose, AUBUSI and MOIMI), except where such a line is less than three miles from any other land, where the line shall be a median line between that island and that other land.

#### SCHEDULE 5

##### ISLANDS

1. Deliverance Island.
2. Black Rocks.
3. Bramble Cay.
4. Anchor Cay.
5. East Cay.

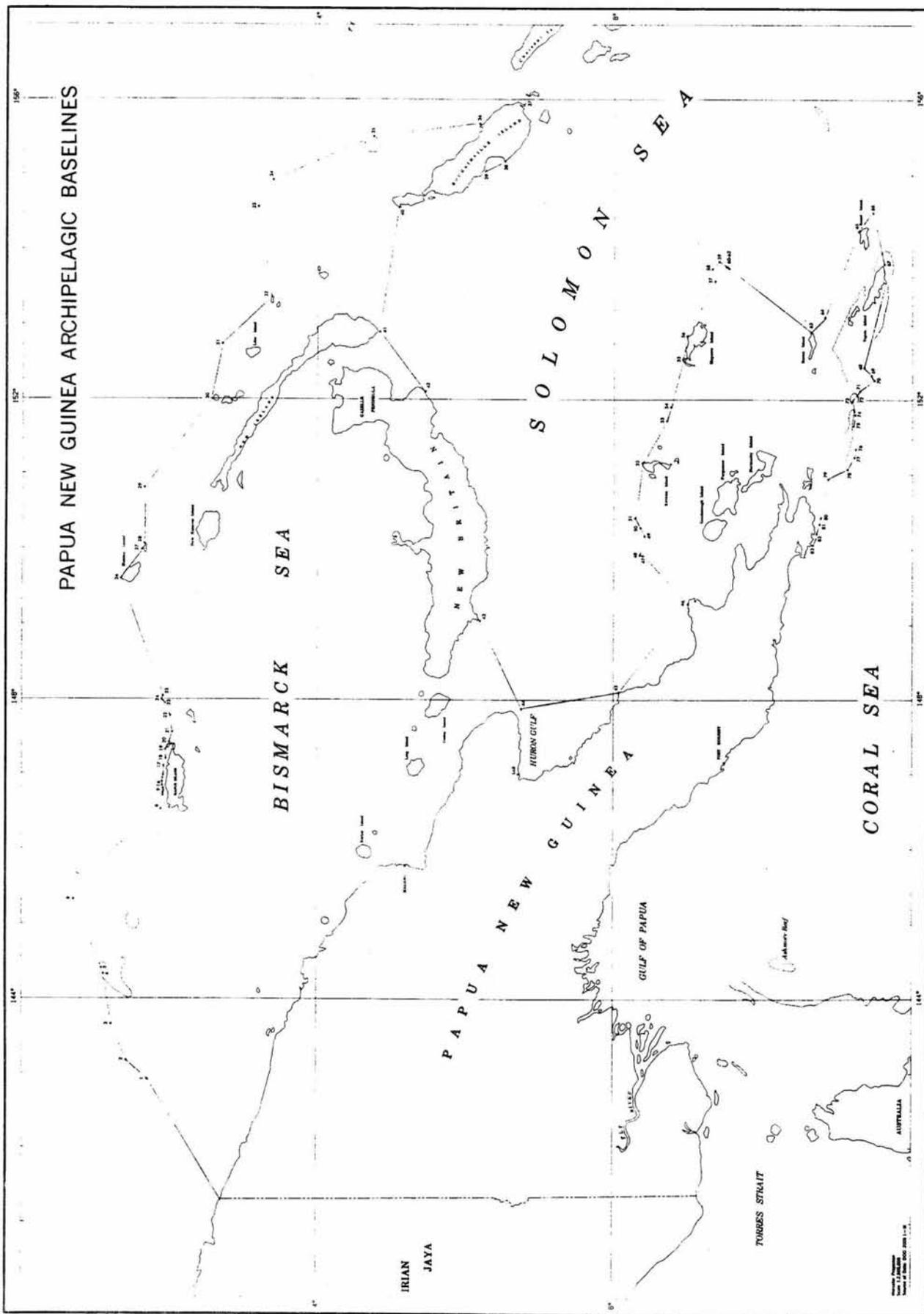
#### SCHEDULE 6

##### AREA FOR PURPOSES OF SECTION 5

The area bounded by a line commencing at the intersection of the parallel 9° 21' 30" south latitude with the meridian 142° 33' 15" east longitude; thence along the geodesic to the intersection of the parallel 9° 08' 15" south latitude with the meridian 143° 52' 00" east longitude; thence south along that meridian of longitude to the parallel 9° 40' 00" south latitude; thence west along that parallel of latitude to the meridian 142° 03' 30" east longitude; thence north along that meridian of longitude to its point of intersection with the southern coastline of the island of New Guinea at mean low water springs; thence in a generally easterly direction along the coastline to its intersection with the meridian 142° 33' 15" east longitude; and thence south along that meridian to the point of commencement.

Dated this 28th day of March, 1978.

Tore Loko  
Governor-General



8. PHILIPPINES

(a) Republic Act No. 3046 of 17 June 1961

An Act to Define the Baselines of the Territorial Sea of the Philippines 1/

Whereas, the Constitution of the Philippines describes the national territory as comprising all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on December 10, 1898, the limits of which are set forth in article III of said treaty together with all the islands embraced in the treaty concluded in Washington, between the United States and Spain on 7 November 1900, and in the treaty concluded between the United States and Great Britain on 2 January 1930, and all the territory over which the Government of the Philippine Islands exercised jurisdiction at the time of the adoption of the Constitution;

Whereas, all the waters within the limits set forth in the above-mentioned treaties have always been regarded as part of the territory of the Philippine Islands;

Whereas, all the waters around, between and connecting the various islands of the Philippine archipelago, irrespective of their width or dimension, have always been considered as necessary appurtenances of the land territory, forming part of the inland or internal waters of the Philippines;

Whereas, all the waters beyond the outermost islands of the archipelago but within the limits of the boundaries set forth in the aforementioned treaties comprise the territorial sea of the Philippines;

Whereas, the baselines from which the territorial sea of the Philippines is determined consist of straight lines joining appropriate points of the outermost islands of the archipelago; and

Whereas, the said baselines should be clarified and specifically defined and described for the information of all concerned;

Section 1. (See Republic Act No. 5446 infra.)

Section 2. All waters within the baselines provided for in section one hereof are considered inland or internal waters of the Philippines.

---

1/ United Nations Legislative Series, ST/LEG/SER.B/15, pp. 105-111.

Illustrative map: Atlas of the Straight Baselines, part I, edited by B. Francalanci, D. Romano and T. Scovazzi (Milan, Giuffr , 1986), p. 115.

(b) Republic Act No. 5446 of 18 September 1968

An Act to Amend Section One of the Republic Act Numbered Thirty Hundred and Forty-Six, Entitled "An Act to Define the Baselines of the Territorial Sea of the Philippines"

Section 1. To correct typographical errors, Section One of Republic Act numbered thirty hundred and forty-six is amended to read as follows:

"Section 1. The baselines for the territorial sea of the Philippines are hereby defined and described specifically as follows:

|  | <u>N. latitude</u> | <u>E. longitude</u> | <u>Azimuth</u> | <u>Distance in metres</u> |
|--|--------------------|---------------------|----------------|---------------------------|
| Y'AMI Island (E)<br>Line 1 (Y'AMI I. (E.)-<br>Tumaruk Rk.) | 21° 07' 03"        | 121° 57' 24"        | 353° 27'       | 81,656                    |
| Tumaruk Rk.<br>Line 2 (Tumaruk Rk.<br>Balintang Is.)       | 20° 28' 28"        | 122° 02' 06"        | 347° 13'       | 58,105                    |
| Balintang Island<br>Line 3 (Balintang Is.<br>-Didicas Rk.) | 19° 57' 45"        | 122° 09' 28"        | 357° 05'       | 97,755                    |
| Didicas Rk.<br>Line 4 (Didicas Rk.<br>Iligan Pt.)          | 19° 04' 50"        | 122° 12' 18"        | 350° 39'       | 86,155                    |
| Iligan Pt.<br>Line 5 (Iligan Pt.<br>Ditolong Pt.)          | 18° 18' 45"        | 122° 20' 15"        | 351° 23'       | 136,030                   |
| Ditolong Pt.<br>Line 6 (Ditolong Pt.-<br>Diviuisa Pt.)     | 17° 05' 50"        | 122° 31' 44"        | 16° 56'        | 34,378                    |
| Diviuisa Pt.<br>Line 7 (Diviuisa Pt.-<br>Dijohan Pt.)      | 16° 48' 00"        | 122° 26' 06"        | 21° 01'        | 57,781                    |
| Dijohan Pt.<br>Line 7a (Dijohan Pt.-<br>Bulubalik Pt.)     | 16° 18' 45"        | 122° 14' 28"        | 10° 52'        | 142,360                   |
| Bulubalik Pt.<br>Line 8 (Bulubalik Pt.-<br>Tinaga I.)      | 15° 02' 56"        | 121° 59' 30"        | 300° 15'       | 120,986                   |
| Tinaga I.<br>Line 9 (Tinaga I.-<br>Horadaba Rks.)          | 14° 29' 45"        | 122° 57' 40"        | 286° 27'       | 148,690                   |

|  | <u>N. latitude</u> | <u>E. longitude</u> | <u>Azimuth</u> | <u>Distance in metres</u> |
|--|--------------------|---------------------|----------------|---------------------------|
| Horadaba Rks.<br>Line 10 (Horadaba Rk.<br>-Matulin Rk.)      | 14° 06' 41"        | 124° 17' 23"        | 306° 34'       | 1,083                     |
| Matulin Rk.<br>Line 11 (Matulin Rk.<br>-Atalaya Pk.)         | 14° 06' 41"        | 124° 17' 23"        | 331° 46'       | 178,480                   |
| Atalaya Pt.<br>Line 11a (Atalaya Pt.<br>-Finch Rk.)          | 12° 40' 59"        | 125° 04' 02"        | 313° 30'       | 22,268                    |
| Finch Rk.<br>Line 12 (Finch Rk.-<br>SE of Manjud Pt.)        | 12° 32' 40"        | 125° 12' 57"        | 322° 27'       | 14,225                    |
| SE of Manjud Pt.<br>Line 12a (SE of Manjud<br>Pt. -Sora Cay) | 12° 27' 54"        | 125° 17' 59"        | 322° 27'       | 14,225                    |
| Sora Cay<br>Line 13 (Sora Cay -<br>Bunga Pt.)                | 12° 21' 47"        | 125° 22' 46"        | 321° 03'       | 22,793                    |
| Bunga Pt.<br>Line 13a (Bunga Pt -<br>Tubabao I.)             | 12° 12' 10"        | 125° 30' 40"        | 331° 50'       | 12,686                    |
| Tubabao I..<br>Line 14 (Tubabao I. -<br>Tugnug Pt.)          | 12° 06' 06"        | 125° 33' 58"        | 355° 22'       | 83,235                    |
| Tugnug Pt.<br>Line 15 (Tugnug Pt. -<br>Suluan I.)            | 11° 21' 06"        | 125° 37' 40"        | 331° 03'       | 75,326                    |
| Suluan I.<br>Line 16 (Suluan I. -<br>Tuason Pt.)             | 10° 45' 20"        | 125° 57' 40"        | 347° 51'       | 107,070                   |
| Tuason Pt.<br>Line 17 (Tuason Pt. -<br>Cauit Pt.)            | 9° 48' 33"         | 126° 10' 00"        | 355° 25'       | 55,415                    |
| Cauit Pt.<br>Line 18 (Cauit Pt.<br>-Arangasa Is.)            | 9° 18' 35"         | 126° 12' 25"        | 342° 44'       | 49,703                    |
| Arangasa Is.<br>Line 19 (Arangasa Is.<br>-Quinablangan I.)   | 8° 52' 50"         | 126° 20' 28"        | 348° 40'       | 131,330                   |

|   | <u>N. latitude</u> | <u>E. longitude</u> | <u>Azimuth</u> | <u>Distance in metres</u> |
|---|--------------------|---------------------|----------------|---------------------------|
| Quinablangan I.<br>Line 19a (Quinablangan I.<br>-Above Languyan R.)               | 7° 42' 58"         | 126° 34' 30"        | 353° 08'       | 25,619                    |
| Above Languyan R.<br>Line 20 (Above Languyan<br>R. -Pusan Pt.)                    | 7° 16' 59"         | 126° 36' 50"        | 26° 39'        | 36,259                    |
| Pusan Pt.<br>Line 21 (Pusan Pt. -<br>Tuguban Pt.)                                 | 7° 16' 59"         | 126° 36' 50"        | 26° 39'        | 36,259                    |
| Tuguban Pt.<br>Line 22 (Tuguban Pt. -<br>Cape S. Agustin (N))                     | 6° 59' 24"         | 126° 28' 00"        | 20° 33'        | 83,350                    |
| Cape S. Agustin (N)<br>Line 22a (Cape S.<br>Agustin (N)- Cape<br>San Agustin (S)) | 6° 17' 03"         | 126° 12' 08"        | 30° 16'        | 1,707                     |
| Cape S. Agustin (S)<br>Line 23 (Cape S. Agustin<br>(S) -Panguil Bato Pt.)         | 6° 16' 15"         | 126° 11' 40"        | 39° 23'        | 125,100                   |
| Panguil Bato Pt.<br>Line 23a (Panguil<br>Bato Pt. -Tapundo Pt.)                   | 5° 23' 45"         | 125° 28' 42"        | 66° 32'        | 7,484                     |
| Tapundo Pt.<br>Line 24 (Tapundo Pt.<br>-Manamil I.)                               | 5° 22' 08"         | 125° 24' 59"        | 88° 19'        | 7,667                     |
| Manamil I.<br>Line 24a (Manamil I.<br>-Balut I. (W))                              | 5° 22' 05"         | 125° 20' 50"        | 139° 01'       | 3,051                     |
| Balut I. (W)<br>Line 25 (Balut I. (W)<br>-Middle of 3 Rk. Awash)                  | 5° 23' 20"         | 125° 19' 45"        | 124° 47'       | 149,840                   |
| Middle of 3 Rk. Awash<br>Line 26 (Middle of<br>3 Rk. Awash-<br>TONGQUIL I.)       | 6° 09' 39"         | 124° 13' 02"        | 86° 18'        | 259,400                   |
| TONGQUIL I.<br>Line 27 (TONGQUIL I.<br>I. -Sumbasumba I.)                         | 6° 00' 15"         | 121° 52' 45"        | 61° 29'        | 115,950                   |

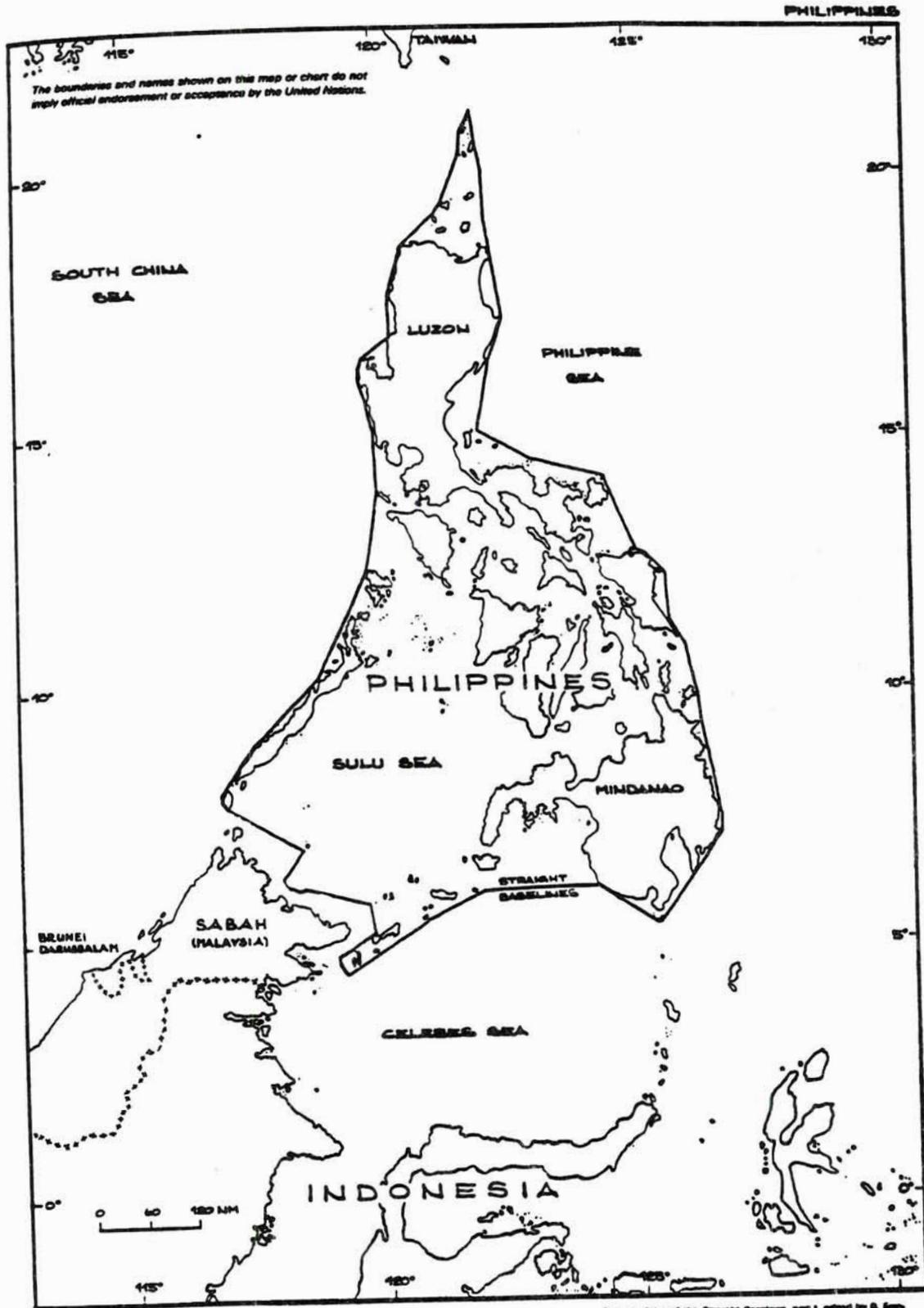
|  | <u>N. latitude</u> | <u>E. longitude</u> | <u>Azimuth</u> | <u>Distance in metres</u> |
|--|--------------------|---------------------|----------------|---------------------------|
| Sumbasumba I.<br>Line 28 (Sumbasumba I.<br>-Kinapusan Is.)             | 5° 30' 10"         | 120° 57' 35"        | 43° 19'        | 44,445                    |
| Kinapusan Is.<br>Line 29 (Kinapusan Is.<br>-Manuk Manka I.)            | 5° 12' 37"         | 120° 41' 05"        | 63° 14'        | 101,290                   |
| Manuk Manka I.<br>Line 30 (MANUK MANKA I.<br>FRANCES REEF)             | 4° 47' 50"         | 119° 52' 10"        | 58° 30'        | 80,847                    |
| Frances Reef<br>Line 31 (Frances Reef<br>-Bajapa Reef)                 | 4° 24' 54"         | 119° 14' 54"        | 134° 34'       | 29,330                    |
| Bajapa Reef<br>Line 32 (Bajapa Reef<br>-Panguan I.)                    | 4° 36' 04"         | 119° 03' 36"        | 164° 05'       | 13,480                    |
| Panguan I.<br>Line 33 (Panguan I.<br>-Omapoy I.)                       | 4° 43' 06"         | 119° 01' 36"        | 238° 48'       | 42,470                    |
| Omapoy I.<br>Line 34 (Omapoy I. -<br>Sanga-Sanga I.)                   | 4° 55' 02"         | 119° 21' 15"        | 246° 11'       | 51,005                    |
| Sanga-Sanga I.<br>Line 35 (Sanga-Sanga I.<br>-Pearl Bank)              | 5° 06' 12"         | 119° 46' 30"        | 170° 05'       | 80,200                    |
| Pearl Bank<br>Line 36 (Pearl Bank -<br>Baguan I.)                      | 5° 49' 04"         | 119° 39' 01"        | 103° 12'       | 137,050                   |
| Baguan I.<br>Line 36a (Baguan I. -<br>Taganak I.)                      | 6° 06' 00"         | 118° 26' 42"        | 76° 52'        | 15,535                    |
| Taganak I.<br>Line 37 (Taganak I. -<br>Gt. Bakkungaan)                 | 6° 04' 05"         | 118° 18' 30"        | 118° 39'       | 24,805                    |
| Gt. Bakkungaan<br>Line 37a (Gt.<br>Bakkungaan-SIBAUNG<br>[Sibaung] I.) | 6° 10' 32"         | 118° 06' 42"        | 136° 04'       | 18,470                    |

|   | <u>N. latitude</u> | <u>E. longitude</u> | <u>Azimuth</u> | <u>Distance in metres</u> |
|---|--------------------|---------------------|----------------|---------------------------|
| SIBAUNG I.<br>Line 38 (SIBAUNG I. -<br>Muligi I.)             | 6° 10' 32"         | 118° 06' 42"        | 136° 04'       | 18,470                    |
| Muligi I.<br>Line 39 (Muligi I. -<br>Mangsee Is.)             | 6° 53' 00"         | 118° 25' 00"        | 119° 14'       | 140,541                   |
| Mangsee Is.<br>Line 39a (Mangsee Is. -<br>-Cape Melville)     | 7° 30' 10"         | 117° 18' 20"        | 134° 50'       | 48,815                    |
| Cape Melville<br>Line 40 (Cape Melville<br>-Ligas Pt.)        | 7° 48' 50"         | 116° 59' 30"        | 153° 54'       | 15,665                    |
| Ligas Pt.<br>Line 41 (Ligas Pt. -<br>Cay)                     | 7° 56' 28"         | 116° 55' 45"        | 170° 40'       | 5,666                     |
| Cay<br>Line 41a (Cay-Secam I.)                                | 7° 59' 30"         | 116° 55' 15"        | 204° 52'       | 22,925                    |
| Secam I.<br>Line 42 (SECAM I. -<br>N. of Canipan Bay)         | 8° 10' 47"         | 117° 00' 30"        | 209° 09'       | 54,990                    |
| N. of Canipan Bay<br>Line 43 (N. of Canipan<br>Bay-Tatub Pt.) | 8° 36' 50"         | 117° 15' 06"        | 218° 57'       | 18,570                    |
| Tatub Pt.<br>Line 44 (Tatub Pt. -<br>Punta Baja)              | 8° 44' 40"         | 117° 21' 28"        | 222° 04'       | 45,125                    |
| Punta Baja<br>Line 45 (Punta Baja -<br>Malapackun I.)         | 9° 02' 50"         | 117° 37' 58"        | 223° 30'       | 32,195                    |
| Malapackun I.<br>Line 46 (Malapackun I.<br>PIEIRAS Pt.)       | 9° 15' 30"         | 117° 50' 04"        | 225° 50'       | 148,260                   |
| PIEIRAS Pt.<br>Line 47 (PIEIRAS Pt. -<br>Tapiutan I.)         | 10° 11' 28"        | 118° 48' 18"        | 203° 19'       | 124,900                   |
| Tapiutan I.<br>Line 48 (Tapiutan I. -<br>Pinnacle Rk.)        | 10° 11' 28"        | 118° 48' 18"        | 203° 19'       | 124,900                   |

|   | <u>N. latitude</u> | <u>E. longitude</u> | <u>Azimuth</u> | <u>Distance in metres</u> |
|---|--------------------|---------------------|----------------|---------------------------|
| Pinnacle Rk.<br>Line 49 (Pinnacle Rk.<br>-Cape Calavite)        | 12° 18' 34"        | 119° 51' 45"        | 200° 40'       | 134,230                   |
| Cape Calavite<br>Line 50 (Cape Calavite<br>-Cabra I.)           | 13° 26' 40"        | 120° 18' 00"        | 148° 12'       | 58,235                    |
| Cabra I.<br>Line 51 (Cabra I. -<br>Caponos Is.)                 | 13° 53' 30"        | 120° 00' 58"        | 179° 26'       | 113,400                   |
| Caponos Is.<br>Line 52 (Caponos Is.<br>PALAUIG Pt.)             | 14° 55' 00"        | 120° 00' 20"        | 168° 09'       | 58,100                    |
| PALAUIG Pt.<br>Line 53 (PALAUIG Pt. -<br>Hermana Mayor I.)      | 15° 25' 50"        | 119° 53' 40"        | 164° 17'       | 40,870                    |
| Hermana Mayor I.<br>Line 53a (Hermana<br>Mayor I. -Tambobo Pt.) | 15° 47' 10"        | 119° 47' 28"        | 167° 10'       | 20,490                    |
| Tambobo Pt.<br>Line 54 (Tambobo Pt. -<br>Rena Pt.)              | 15° 58' 00"        | 119° 44' 55"        | 181° 43'       | 22,910                    |
| Rena Pt.<br>Line 54a (Rena Pt. -<br>Cape Bolinao)               | 16° 10' 25"        | 119° 45' 18"        | 191° 39'       | 18,675                    |
| Cape Bolinao<br>Line 55 (Cape Bolinao<br>-Darigayos Pt.)        | 16° 20' 20"        | 119° 47' 25"        | 226° 20'       | 80,016                    |
| Darigayos Pt.<br>Line 56 (Darigayos Pt.<br>-Dile Pt.)           | 16° 50' 15"        | 120° 20' 00"        | 179° 58'       | 81,616                    |
| Dile Pt.<br>Line 56a (Dile Pt. -<br>Pinget I.)                  | 17° 34' 30"        | 120° 19' 58"        | 188° 27'       | 12,060                    |
| Pinget I.<br>Line 56b (Pinget I. -<br>Badoc I.)                 | 17° 40' 58"        | 120° 20' 58"        | 192° 46'       | 27,170                    |
| Badoc I.<br>Line 57 (Badoc I. -<br>Cape Bojeador)               | 17° 55' 20"        | 120° 24' 58"        | 195° 03'       | 65,270                    |

|   | <u>N. latitude</u> | <u>E. longitude</u> | <u>Azimuth</u> | <u>Distance in metres</u> |
|---|--------------------|---------------------|----------------|---------------------------|
| Cape Bojeador<br>Line 58 (Cape Bojeador<br>-Dalupiri I.)  | 18° 29' 30"        | 120° 34' 00"        | 222° 16'       | 101,740                   |
| Dalupiri I.<br>Line 59 (Dalupiri I. -<br>Catanapan Pt.)   | 19° 10' 15"        | 121° 13' 02"        | 213° 29'       | 25,075                    |
| Catanapan Pt.<br>Line 60 (Catanapan Pt.<br>-Dequey I.)    | 19° 21' 35"        | 121° 20' 56"        | 202° 27'       | 116,870                   |
| DEQUEY I.<br>Line 61 (DEQUEY I. -<br>RAILE)               | 20° 20' 06"        | 121° 46' 35"        | 180° 47'       | 42,255                    |
| RAILE<br>Line 62 (RAILE -<br>Y'AMI I. (W))                | 20° 43' 00"        | 121° 46' 55"        | 200° 30'       | 43,140                    |
| Y'ami I. (W)<br>Line 63 (Y'ami I. (W) -<br>Y'ami I. (M))  | 21° 07' 26"        | 121° 56' 39"        | 238° 40'       | 237                       |
| Y'ami I. (M)<br>Line 64 (Y'ami I. (M) -<br>-Y'ami I. (E)) | 21° 07' 30"        | 121° 56' 46"        | 307° 08'       | 1,376                     |
| Y'ami I. (E)  | 21° 07' 03"        | 121° 57' 24"        |                |                           |

Section 2. The definition of the baselines of the territorial sea of the Philippine Archipelago as provided in this Act is without prejudice to the delineation of the baselines of the territorial sea around the territory of Sabah, situated in North North Borneo, over which the Republic of the Philippines has acquired dominion and sovereignty.



(c) Presidential Decree No. 1599 of 11 June 1978

Establishing an exclusive economic zone and for other purposes, 11 June 1978

Whereas, an exclusive economic zone extending to a distance of two hundred nautical miles from the baselines from which the territorial sea is measured is vital to the economic survival and development of the Republic of the Philippines;

Whereas, such a zone is now a recognized principle of international law;

Now, therefore, I, Ferdinand E. Marcos, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order:

Section 1. There is hereby established a zone to be known as the exclusive economic zone of the Philippines. The exclusive economic zone shall extend to a distance of two hundred nautical miles beyond and from the baselines from which the territorial sea is measured: provided, that, where the outer limits of the zone as thus determined overlap the exclusive economic zone of an adjacent or neighboring State, the common boundaries shall be determined by agreement with the State concerned or in accordance with pertinent generally recognized principles of international law on delimitation.

Section 2. Without prejudice to the rights of the Republic of the Philippines over its territorial sea and continental shelf, it shall have and exercise in the exclusive economic zone established herein the following:

A. Sovereign rights for the purpose of exploration and exploitation, conservation and management of the natural resources whether living or non-living, both renewable and non-renewable, of the sea-bed, including the subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the resources of the zone, such as the production of energy from the water, currents and winds;

B. Exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, off-shore terminals, installations and structures, the preservation of the marine environment, including the prevention and control of pollution, and scientific research;

C. Such other rights as are recognized by international law or State practice.

Section 3. Except in accordance with the terms of any agreement entered into with the Republic of the Philippines or of any license granted by it or under authority by the Republic of the Philippines, no person shall, in relation to the exclusive economic zone:

- a. Explore or exploit any resources;
- b. Carry out any search, excavation or drilling operations;
- c. Conduct any research;
- d. Construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device; or
- e. Perform any act or engage in any activity which is contrary to, or in derogation of, the sovereign rights and jurisdiction herein provided.

Nothing herein shall be deemed a prohibition on a citizen of the Philippines, whether natural or juridical, against the performance of any of the foregoing acts, if allowed under existing laws.

Section 4. Other States shall enjoy in the exclusive economic zone freedoms with respect to navigation and overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea relating to navigation and communications.

Section 5. (a) The President may authorize the appropriate Government office/agency to make and promulgate such rules and regulations which may be deemed proper and necessary for carrying out the purposes of this decree.

(b) Any persons who shall violate any provision of this decree or of any rule or regulation promulgated hereunder and approved by the President shall be subject to a fine which shall not be less than two thousand pesos (Pesos 2,000.00) nor be more than one hundred thousand pesos (Pesos 100,000.00) or imprisonment ranging from six (6) months to ten (10) years, or both such fine and imprisonment, in the discretion of the Court. Vessels and other equipment or articles used in connection therewith shall be subject to seizure and forfeiture.

Section 6. This decree shall take effect thirty (30) days after publication in the official Gazette.

DONE in the City of Manila, on 11 June, in the year of our Lord, nineteen hundred and seventy-eight.

9. SAINT VINCENT AND THE GRENADINES

Maritime Areas Act, 1983 1/  
Act No. 15 of 19 May 1983

An act to declare the Maritime Areas and for matters incidental thereto and connected therewith.

On Proclamation

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:

1. This Act may be cited as the Maritime Areas Act, 1983 and shall come into operation on such date as the Governor General may, by Proclamation, specify.
2. In this Act, unless the context otherwise requires:

"Archipelagic sea lanes passage" means the exercise of the rights of navigation and overflight in accordance with the international law in the normal mode solely for the purpose of continuous expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an economic zone.

"Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act.

"Innocent passage" means sea or air passage through the waters of Saint Vincent and the Grenadines which is not prejudicial to peace, good order or security.

"Minister" means the Minister for Foreign Affairs.

"Warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships, of its nationality, under the command of an officer duly commissioned by the Government of the State and whose name appears in the appropriate service list or its equivalent and manned by a crew which is under regular armed forces discipline.

"Waters of Saint Vincent and the Grenadines" means the internal waters, archipelagic waters and territorial sea of Saint Vincent and the Grenadines.

3. The internal waters of Saint Vincent and the Grenadines comprises the waters from the landward side of the archipelagic closing lines to the low water mark of all the island areas of Saint Vincent and the Grenadines.
4. The archipelagic waters of Saint Vincent and the Grenadines comprise the waters from the landward side of the archipelagic baselines to the archipelagic closing lines.

---

1/ Source: The Government Printer, at the Government Printing Office, Kingstown, Saint Vincent and the Grenadines, pp. 399-403.

5. The territorial sea of Saint Vincent and the Grenadines comprises the waters from its archipelagic baseline seaward to a limit of 12 nautical miles.

6. The contiguous zone of Saint Vincent and the Grenadines comprises the waters contiguous to its territorial sea from its archipelagic baselines seaward to a limit of 24 nautical miles.

7. The exclusive economic zone of Saint Vincent and the Grenadines comprises the waters, seabed and subsoil, contiguous to its territorial sea from its archipelagic baselines seaward to a limit of 200 nautical miles.

8. The continental shelf of Saint Vincent and the Grenadines comprises the seabed, subsoil and the submarine areas contiguous to its territorial sea from its archipelagic baselines seaward to a limit of 200 nautical miles.

9. The waters of Saint Vincent and the Grenadines including the airspace above and the bed and subsoil thereof form part of the territory of Saint Vincent and the Grenadines.

10. (1) Subject to subsections (2) and (4) and section 14, a foreign ship is entitled to enjoy the right of innocent passage through the waters of Saint Vincent and the Grenadines.

(2) A Foreign war ship shall not navigate in the waters of Saint Vincent and the Grenadines without the prior permission of the Competent Authority obtained by the State to which the war ship belongs.

(3) The Minister may by notification in the Gazette, make regulations relating to the innocent passage of foreign vessels through the waters of Saint Vincent and the Grenadines in respect of any or all of the following:

- (a) The safety of navigation and the regulation of maritime traffic;
- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of the laws and regulations of Saint Vincent and the Grenadines governing marine living resources;
- (f) the prevention of the environment of Saint Vincent and the Grenadines and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys; and
- (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of Saint Vincent and the Grenadines.

(4) The Minister may, by order published in the Gazette, suspend temporarily in specified areas of the waters of Saint Vincent and the Grenadines the innocent passage of foreign ships if such suspension is essential for the protection or the security of Saint Vincent and the Grenadines.

11. (1) The passage of a foreign ship is prejudicial to the peace, good order and security of Saint Vincent and the Grenadines where, without the prior permission of the Competent Authority obtained by the State to which the ship belongs or the captain or the person in charge of the ship, the ship while in

the waters of Saint Vincent and the Grenadines engages in any of the following activities:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Saint Vincent and the Grenadines, 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 relating to the defence or security, economic condition or social condition of Saint Vincent and the Grenadines;
- (d) any act by way of propaganda or otherwise aimed at affecting the defence or security of Saint Vincent and the Grenadines;
- (e) the launching, landing or taking on board of any aircraft;
- (f) the launching, landing or taking on board of devices;
- (g) the taking on board or off-loading of any person, fiscal, immigration or sanitary laws or regulations of Saint Vincent and the Grenadines;
- (h) any act of pollution calculated to or likely to cause damage or harm to Saint Vincent and the Grenadines, its resources or its marine environment;
- (i) any fishing activities;
- (j) the carrying out of research or survey activities;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installation of Saint Vincent and the Grenadines;
- (l) such other activity as may be prescribed.

(2) The passage of a foreign warship in the waters of Saint Vincent and the Grenadines is prejudicial to the peace, good order or security of Saint Vincent where the warship navigates such waters without the permission required in subsection (2) of section 10.

12. (1) The Minister may, by order published in the Gazette, designate sea lanes and air routes thereabove suitable for the continuous and expeditious passage of foreign ships and aircraft through or over the archipelagic waters and adjacent territorial sea;

(2) All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes;

(3) All ships and aircraft shall not navigate closer to the coasts of Saint Vincent and the Grenadines than ten per cent of the distance between the nearest points on islands and the axis lines of the sea lanes.

(4) The Minister may, by notification in the Gazette, establish traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes and modify and substitute them from time to time.

13. (1) Every ship in passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this Act.

(2) Every ship or aircraft exercising the right of archipelagic sea lanes passage shall:

- (a) proceed without delay through the sea lanes;
- (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering straits, and shall not act in any manner in violation of the principles of international law embodied in the Charter of the United Nations; and
- (c) refrain from any activities other than those incidental to their normal modes of continuous and expeditious passage unless rendered necessary by force majeure or by distress;

(3) Ships in distress shall:

- (a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collision at Sea; and
- (b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.

(4) Aircraft in passage shall:

- (a) observe the rules of the air established by the International Civil Aviation Organization as they apply to civil aircraft and every State aircraft shall normally comply with such safety measures and shall at all times operate with due regard for the safety of navigation;
- (b) at all times monitor the radio frequency assigned, by the appropriate internationally designated air traffic control authority, or the appropriate international distress radio frequency.

(5) During its passage through archipelagic sea lanes, a foreign ship, including maritime scientific research and hydrograph survey ships, may not carry out any research or survey activities without prior authorization of the Minister.

14. (1) The Minister may, by notification in the Gazette, make regulations relating to archipelagic sea lanes passage in respect of any or all of the following:

- (a) the safety of navigation and the regulation of maritime traffic;
- (b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other various and polluting substances;
- (c) with respect to fishing vessels, the prevention of fishing including the storage of fishing gear;
- (d) the embarking or loading or disembarking or unloading of any person, commodity, or currency in contravention of the customs, fiscal, immigration or sanitary laws and regulations of Saint Vincent and the Grenadines.

(2) Every foreign ship exercising the right of archipelagic sea lanes passage shall comply with all the laws and regulations applicable to it.

(3) The flag State of a ship or aircraft entitled to sovereign immunity which acts in a manner contrary to any law or regulation shall bear international responsibility for any lesser damage which results to Saint Vincent and the Grenadines.

(4) The Minister may levy charges upon foreign ships passing through the waters of Saint Vincent and the Grenadines for specific services rendered to them.

15. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, the Minister shall refer proposals to the International Maritime Organization, or its successors, with a view to their adoption.

16. The Minister shall publish charts and lists of coordinates of:

- (a) The low water mark of all the islanders of Saint Vincent and the Grenadines;
- (b) the archipelagic closing lines of Saint Vincent and the Grenadines;
- (c) the archipelagic baselines of Saint Vincent and the Grenadines;
- (d) the outer limits of the territorial sea of Saint Vincent and the Grenadines;
- (e) the outer limits of the contiguous zone of Saint Vincent and the Grenadines;
- (f) the outer limits of the exclusive economic zone of Saint Vincent and the Grenadines;
- (g) the outer limits of the continental shelf of Saint Vincent and the Grenadines;
- (h) the axis of any archipelagic sea lanes of Saint Vincent and the Grenadines;
- (i) any traffic separation scheme in the waters of Saint Vincent and the Grenadines;

17. (1) Where the rights of Saint Vincent and the Grenadines in relation to:

- (a) the territorial sea,
- (b) the contiguous zone,
- (c) the exclusive economic zone, or
- (d) the continental shelf,

overlap with the territorial sea, the contiguous zone, the exclusive economic zone, or the continental shelf of an adjacent State, until such time as a delimitation agreement is reached the seaward limits of the affected offshore areas of Saint Vincent and the Grenadines shall extend to the equidistance line between the archipelagic baselines of Saint Vincent and the Grenadines and the territorial sea baselines of the other State.

(2) The temporary offshore boundaries created by subsection (1) shall in no way be interpreted as prejudicing any claims which Saint Vincent and the Grenadines may in the future advance pursuant to the conclusion of maritime boundary delimitation with neighbouring States.

18. (1) The criminal jurisdiction of Saint Vincent and the Grenadines shall not be exercised on board a foreign ship passing through the territorial sea or archipelagic waters of Saint Vincent and the Grenadines nor shall any investigation in connection with any crime committed, save only in cases where:

- (a) the consequences of the crime extend to Saint Vincent and the Grenadines; or
- (b) the crime is of a kind to disturb the peace of Saint Vincent and the Grenadines or the good order of the territorial seas;
- (c) the assistance of the local authorities has been requested by the ship or by a diplomatic agent or consular officer of the flag State; or
- (d) such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substance.

(2) The Minister may, by notification in the Gazette, make regulations with regard to the customs, fiscal, health, safety and immigration matters over artificial islands, installations and structures in the exclusive economic zone or on the continental shelf of Saint Vincent and the Grenadines beyond the territorial sea.

19. The Minister may, by notification in the Gazette, make regulations relating to the exercise of control in the contiguous zone:

- (a) to prevent infringement of the customs, fiscal, immigration or sanitary regulations in force on the territory or territorial sea of Saint Vincent and the Grenadines; and
- (b) to punish breach of the said regulations committed within the territory or territorial sea of Saint Vincent and the Grenadines.

20. The Minister may, by notification in the Gazette, make regulations regarding the exercises of control in the exclusive economic zone with regard to:

- (a) the exploration and exploitation, conservation and management of living and non-living resources of the seabed and subsoil and the superjacent waters;
- (b) other activities for the economic exploitation of the zone;
- (c) the establishment and use of artificial islands, installations and structures;
- (d) marine scientific research;
- (e) the protection and preservation of the marine environment; and
- (f) any other functional area of jurisdiction which may be accorded to coastal States by international law.

21. The Minister may, by notification in the Gazette, make regulations relating to the exercise of control on the continental shelf with regard to:

- (a) the exploration and exploitation of the living and non-living resources;
- (b) the establishment and use of artificial islands, installations and structures; and
- (c) the prevention, reduction and control of marine pollution arising from or in connection with seabed activities.

22. The Minister may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures to ensure the safety both of navigation and of the artificial islands, installations and structures in the exclusive economic zone or on the continental shelf of Saint Vincent and the Grenadines.

23. (1) Every law in existence at the commencement of this Act shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the provisions made by or under this Act and the same shall prevail in every case where there is any conflict between any of the provisions and any such existing law.

(2) The expression "Modification, adaptations, qualifications and exceptions" shall include the automatic extension, as far as the law applicable to other parts of Saint Vincent and the Grenadines, to the whole of the area within the territorial extent set out in section 9.

(3) Without prejudice to the generality of subsection (1), the Governor-General may, by order made at any time before the expiration of five years from the commencement of the Act, make such alterations to any law in existence as is referred to in subsection (1) as may appear to him to be necessary to bring the provisions of the law in accordance with the provisions of subsection (1).

Passed in the House of Assembly the 19th day of May, 1983.

10. SAO TOME AND PRINCIPE

(a) Decree-Law No. 14/78 of 16 June 1978 <sup>1/</sup>

[Original: Portuguese]

In accordance with the provisions of article 4(2) of the Constitution;

Considering the need to delimit the territorial sea of the Democratic Republic of Sao Tome and Principe;

Bearing in mind that in order to effect such delimitation it is important to determine, in accordance with the historic background and geographic, geologic, economic, and political characteristics, and by means of geographic co-ordinates, the baseline from which the breadth of the territorial sea is measured;

In exercise of the powers conferred by article 26(1) of the Constitution, the Government of the Democratic Republic of Sao Tome and Principe decrees and I promulgate the following:

Article 1

The territorial sea of the Democratic Republic of Sao Tome and Principe extends for 12 nautical miles measured from the baseline determined in this decree-law, its outer limit being the line every point of which is at a distance equal to 12 nautical miles from the nearest point of the baseline.

Article 2

The baseline from which the breadth of the territorial sea of the Democratic Republic of Sao Tome and Principe is measured is composed of the straight lines which join successively the most salient points of the two principal islands and the islets and emerged reefs which surround them, and is determined by the following geographic co-ordinates:

|    | <u>Vertices</u>  | <u>Latitude</u> | <u>Longitude</u> |
|----|------------------|-----------------|------------------|
| 1. | Rolas Islet (E)  | 0 03' 18" S     | 6 31' 47" E      |
| 2. | Rolas Islet (S)  | 0 03' 13" S     | 6 31' 24" E      |
| 3. | Rolas Islet (SW) | 0 03' 32" S     | 6 31' 01" E      |
| 4. | Gabado Islet     | 0 07' 54" N     | 6 29' 08" E      |
| 5. | Coco Islet       | 0 12' 02" N     | 6 27' 58" E      |
| 6. | Point Furada     | 0 14' 39" N     | 6 27' 57" E      |
| 7. | Point Diogo Vaz  | 0 19' 10" N     | 6 29' 56" E      |
| 8. | Pedra Gale       | 1 43' 41" N     | 7 22' 56" E      |

---

<sup>1/</sup> Source: Diário da República, 16 June 1978.

| <u>Vertices</u>    | <u>Latitude</u> | <u>Longitude</u> |
|--------------------|-----------------|------------------|
| 9. Mosteiros Islet | 1 41' 12" N     | 7 28' 18" E      |
| 10. Point da Graca | 1 37' 54" N     | 7 27' 47" E      |
| 11. Caroco Islet   | 1 30' 54" N     | 7 25' 56" E      |
| 12. Santana Islet  | 0 14' 31" N     | 6 45' 56" E      |

Article 3

Waters situated inside the baseline are archipelagic waters of the Democratic Republic of Sao Tome and Principe.

Article 4

The sovereignty which the State of Sao Tome and Principe exercises over all of the national territory, composed of the island of Sao Tome, the island of Principe, Pedras Tinhosas, Cabras Islet, Rolas Islet, other adjacent islets, archipelagic waters, the territorial sea, the airspace above them, and the subsoil of the land area, also extends to the bed and subsoil of the aquatic territory formed by the archipelagic waters and the territorial sea in addition to all living and nonliving natural resources found in all of the aforementioned spaces under the sovereignty of the State of Sao Tome and Principe.

Article 5

The Democratic Republic of Sao Tome and Principe, without prejudice to the provisions of the previous articles and in conformity with the principles of international law, respects the freedoms of navigation and overflight through the straits and channels used for international navigation.

Article 6

Any pertinent legal provisions contrary to this decree-law are hereby revoked.

Article 7

This decree-law shall enter into effect on the date of its publication. Examined and approved in the Council of Ministers of 18 May 1978.

(b) Decree-Law No. 15/78 of 16 June 1978

Considering that it is necessary to preserve the legitimate rights and fundamental interests of the nation with respect to the living and non-living resources of the maritime space of the Democratic Republic of Sao Tome and Principe;

Considering the importance to the national economy of fishing and the exploitation of the natural living and non-living resources of the ocean floor and subsoil and the superjacent waters in immediate proximity to the territorial sea, the breadth of which is established by law;

In view of the development of international maritime law, and particularly the work of the United Nations Conference on the Law of the Sea;

Since it is necessary to establish an exclusive economic zone beyond and adjacent to the territorial sea, over which the State of Sao Tome and Principe shall exercise sovereign rights, together with exclusive jurisdiction over all natural living and non-living resources in that zone;

By virtue of the powers conferred on them in article 26, paragraph 1, of the Constitution, the Government of the Democratic Republic of Sao Tome and Principe adopts and the President of the Republic promulgates the following decree-law:

Article 1. The State of the Democratic Republic of Sao Tome and Principe shall establish in the area adjacent to its territorial sea an exclusive economic zone extending for 200 nautical miles from the baseline used to measure the breadth of the territorial sea.

Article 2. The outer line of this exclusive economic zone shall be delimited by geographical co-ordinates.

Article 3. The State of Sao Tome and Principe shall respect the right of neighbouring States to their respective economic zones and declares its readiness to engage in bilateral negotiations to resolve any conflicts of sovereignty that may arise from the application of these principles.

Article 4. In the exclusive economic zone established by the present decree-law the Democratic Republic of Sao Tome and Principe shall exercise the following rights:

1. Sovereign rights for the purposes of research and exploiting, conserving and using the natural living and non-living resources of the ocean floor, the subsoil and the superjacent waters.
2. Exclusive rights to and jurisdiction over the establishment and use of artificial islands, installations and structures.
3. Exclusive jurisdiction over other activities relating to research and the economic exploitation of the zone, including the utilization of maritime currents and any other potential benefits that may result from technological and scientific developments.

4. Jurisdiction over:

(a) Preservation of the maritime space, and in particular pollution control and elimination;

(b) Scientific research.

Article 5. In the exclusive economic zone foreign States shall enjoy freedom of navigation and overflight and of the laying of submarine cables and pipelines, together with other internationally lawful uses of the sea related to navigation and communications.

The laying of submarine cables and pipelines shall be effected with the agreement of the State of Sao Tome and Principe.

Article 6. In order to promote the optimum use of the living resources in the exclusive economic zone, the State of the Democratic Republic of Sao Tome and Principe may, through bilateral agreements, authorize other States to harvest the surplus of the allowable catch in a rational manner.

Article 7. All relevant legal provisions that are in conflict with the present decree-law are hereby repealed.

Article 8. The present decree-law shall enter into force immediately. Seen and approved by the Council of Ministers on 18 May 1978. Promulgated on 13 June 1978.

(c) Decree-Law No. 48/82 1/

[Original: English]

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

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

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

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

...

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

Article 2. (1) The baseline from which the extension of the territorial waters of the Democratic Republic of Sao Tome and Principe is measured consists of the straight line successively joining the most salient points of the two principal islands, islets and emerged reefs surrounding them and is determined by the following geographic co-ordinates:

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

1/ Text transmitted by the Permanent Mission of Sao Tome and Principe to the United Nations by a note verbale dated 1983.

Illustrative map: United Nations Cartographic Unit, January 1989.

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

Ellipsoid used: International

Datum:

Island of Sao Tome

Fortaleza

Y = 0° 20' 49" .02 N

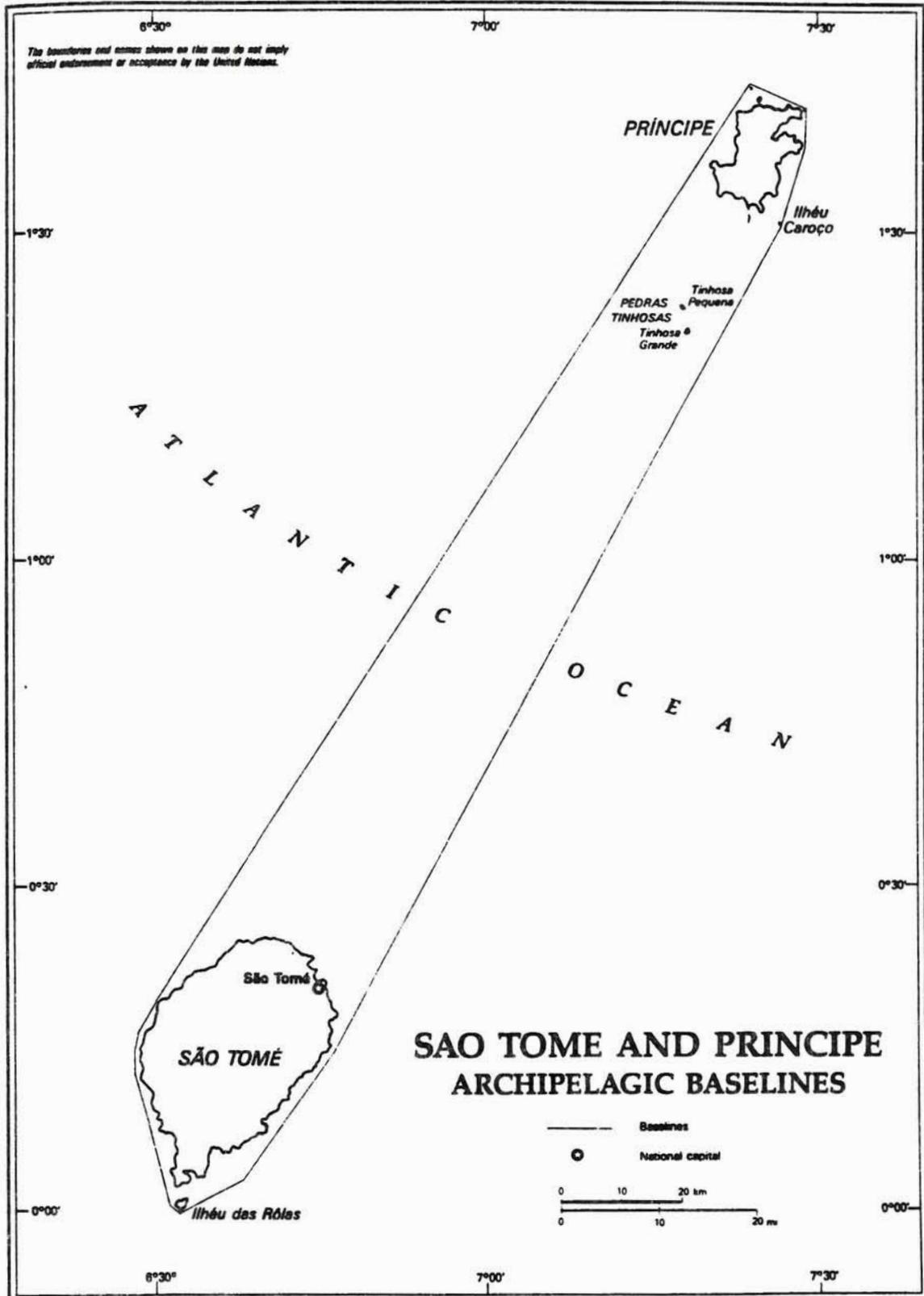
L = 6 44 41 .85 E

Island of Principe

Morro do Papagaio

Y = 1° 36' 46" .87 N

L = 7 23 39 .65 E



11. SOLOMON ISLANDS

(a) The Delimitation of Marine Waters Act, 1978 <sup>1/</sup>  
Act No. 32 of 21 December 1978

ENACTED by the National Parliament of Solomon Islands

1. Citation and commencement:

This Act may be cited as the Delimitation of Marine Waters Act, 1978 and shall come into force on such date as the Minister may by notice appoint:

Provided that the Minister may specify different dates for the coming into force of different sections of this Act.

2. Interpretation:

(1) In this Act, unless the context otherwise requires - "archipelago" means a group of islands, including parts of islands, inter-connecting waters and other natural features which are so closely inter-related that such islands, waters and other natural features form an intrinsic geographical entity, and which has been declared by the Minister by Order published in the Gazette to be an archipelago;

"archipelagic baselines" means the baselines drawn under the provisions of subsection (2) of section 4;

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

"low-water line" means the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of the area produced by any authority and for the time being held and used by the Minister responsible for Marine Affairs;

"median line" means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Solomon Islands and of any opposite or adjacent State or territory are measured;

"mile" means the international nautical mile;

"Minister" means the Minister responsible for Foreign Affairs;

"territorial seas" means the territorial seas of Solomon Islands as defined in section 5.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

---

<sup>1/</sup> Regional Compendium of Fisheries Legislation (Western Pacific Region), FAO, vol. II, pp. 670-676.

3. Internal waters:

(1) Except where closing lines are drawn under the provisions of subsection (2), all waters on the landward side of the baselines of the territorial seas of Solomon Islands are the internal waters of Solomon Islands.

(2) When making an order under the provisions of section 4, the Minister may also declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the international waters of any archipelago in Solomon Islands.

(3) Where closing lines are drawn under the provisions of subsection (2) the internal waters of any archipelago in Solomon Islands shall include all waters on the landward side of those closing lines.

4. Archipelagic waters:

(1) The archipelagic waters of each archipelago in Solomon Islands shall comprise all areas of sea contained within the baselines established under the provisions of this section.

(2) The Minister in accordance with the rules of international law may by order published in the Gazette, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of any archipelago in Solomon Islands and the innermost limits of the territorial sea of any archipelago in Solomon Islands.

5. Territorial waters:

(1) The territorial seas of Solomon Islands comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines:

Provided that where the median line between Solomon Islands and the sovereign State of Papua New Guinea is less than twelve miles from the baselines from which the breadth of the territorial seas of Solomon Islands and Papua New Guinea are respectively measured, the outermost limits of the territorial waters of Solomon Islands shall be those declared by the Minister by order published in the Gazette.

(2) Where archipelagic baselines are drawn under the provisions of section 4, those baselines shall be the baselines from which the breadth of the territorial sea of any archipelago in Solomon Islands shall be measured.

(3) In all other cases the baselines from which the breadth of the territorial sea is measured is the low-water line along the coast of each island except that in the case of islands situated on atolls or islands having fringing reefs the baseline is the seaward low-water line of the reef.

6. Exclusive economic zone:

(1) Subject to the following provisions of this section, the exclusive economic zone of Solomon Islands comprises all areas of sea having, as their innermost limits, the outermost limits of the territorial seas, and, as their outermost limits, a line drawn seaward from the baselines every point of which is at a distance of 200 miles from the nearest point of the appropriate baselines.

(2) The Minister may by order published in the Gazette, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of Solomon Islands extend to such line, any point of which may be at a distance of less than 200 miles from the nearest point of the appropriate baseline, as may be specified in such order.

(3) Where the median line is less than 200 miles from the nearest baselines, and no other line is for the time being specified under the provisions of subsection (2), the outer limits of the exclusive economic zone of Solomon Islands extend to the median line.

7. Continental Shelf Act, 1970 to apply:

All areas of seabed and the subsoil thereof contained within the exclusive economic zone of Solomon Islands are deemed to form part of the continental shelf of Solomon Islands for the purposes of the Continental Shelf Act, 1970, and to be subject to the provisions of that Act as if they were areas designated under the provisions of subsection (3) of section 3 of that Act.

8. Charts and publicity:

(1) The Minister shall cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Solomon Islands to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due publicity to such charts by notice in the Gazette and shall cause a copy of each such chart to be deposited with the Secretary-General of the United Nations.

(2) In any proceedings in any court, a certificate purporting to be signed by the Chief Marine Officer that any specified nautical chart of any area is the nautical chart of that area most suited for the purposes of determining the limits of the internal waters, territorial seas or exclusive economic zone of Solomon Islands, as the case may be, and is for the time being held by the Minister responsible for Marine Affairs shall be admissible in evidence of the matters stated in the certificate.

9. Legal character of marine waters:

(1) The sovereignty of Solomon Islands extends beyond its land territory and internal waters over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder.

(2) Within the exclusive economic zone Solomon Islands has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and subsoil and the superjacent waters.

(3) The exercise by Solomon Islands of its sovereignty and sovereign rights under the provisions of this section is subject to the customary rules of international law.

10. Rights of passage:

(1) Subject to the provisions of subsections (2), (3), (4) and (5), ships and aircraft of all States shall, in accordance with the rules of international law, have the right of innocent passage through and over the territorial seas and archipelagic waters.

(2) The Minister may, in accordance with the rules of international law, by order published in the Gazette designate sealanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sealanes.

(3) In such sealanes and air routes all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial seas, from one part of the exclusive economic zone to another part of the exclusive economic zone.

(4) Until such time as sealanes or air routes are designated under the provisions of subsection (2) the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in subsection (3) are subject to all laws of Solomon Islands made in accordance with the rules of international law.

(6) Subject to the provisions of this Act and of any other written law made in accordance with the relevant rules of international law all States and their nationals shall enjoy, in the exclusive economic zone, the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law.

11. Regulations:

Where no other provision is for the time being made in any other written law for any such purpose, the Minister may make regulations, in accordance with the rules of international law, for all or any of the following purposes:

- (a) regulating the conduct of scientific research within the exclusive economic zone;
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the waters, currents and winds, and for other economic uses;
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including, but not confined to, the establishment of safety zones around islands, installations and structures;
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to Solomon Islands rights and obligations in relation to the exclusive economic zone or are necessary to give full effect to the provisions of this Act.

Passed by the National Parliament this fourteenth day of December one thousand nine hundred and seventy-eight.

This printed impression has been carefully compared by me with the Bill passed by the National Parliament and found by me to be a true and correct copy of the said Bill.

(b) Declaration of Archipelagos of Solomon Islands, 1979 <sup>1/</sup>

In exercise of the powers conferred by section 2 (1) of the Delimitation of Marine Waters Act, 1978, the Prime Minister hereby declares the following groups of islands to be archipelagos for the purposes of the Act:

Main Group Archipelago

Shortland Islands, Treasury Islands, Choiseul Islands, New Georgia Islands, Santa Isabel Islands, Dai Island, Russell Islands, Florida Islands, Malaita Island, Guadalcanal Island, Makira Island, Santa Ana Island, Santa Catalina Island, Ulawa Island.

The Rennell, Bellona and Indispensable Reef Atoll Archipelago

Rennell Island, Bellona Island, Indispensable Reef Atoll.

The Ontong Java Group Archipelago

Ontong Java Atoll.

The Santa Cruz Islands Archipelago

Santa Cruz Islands.

The Duff Islands Archipelago

Duff Islands.

(c) Declaration of Archipelagic Baselines, 1979 <sup>a/</sup>

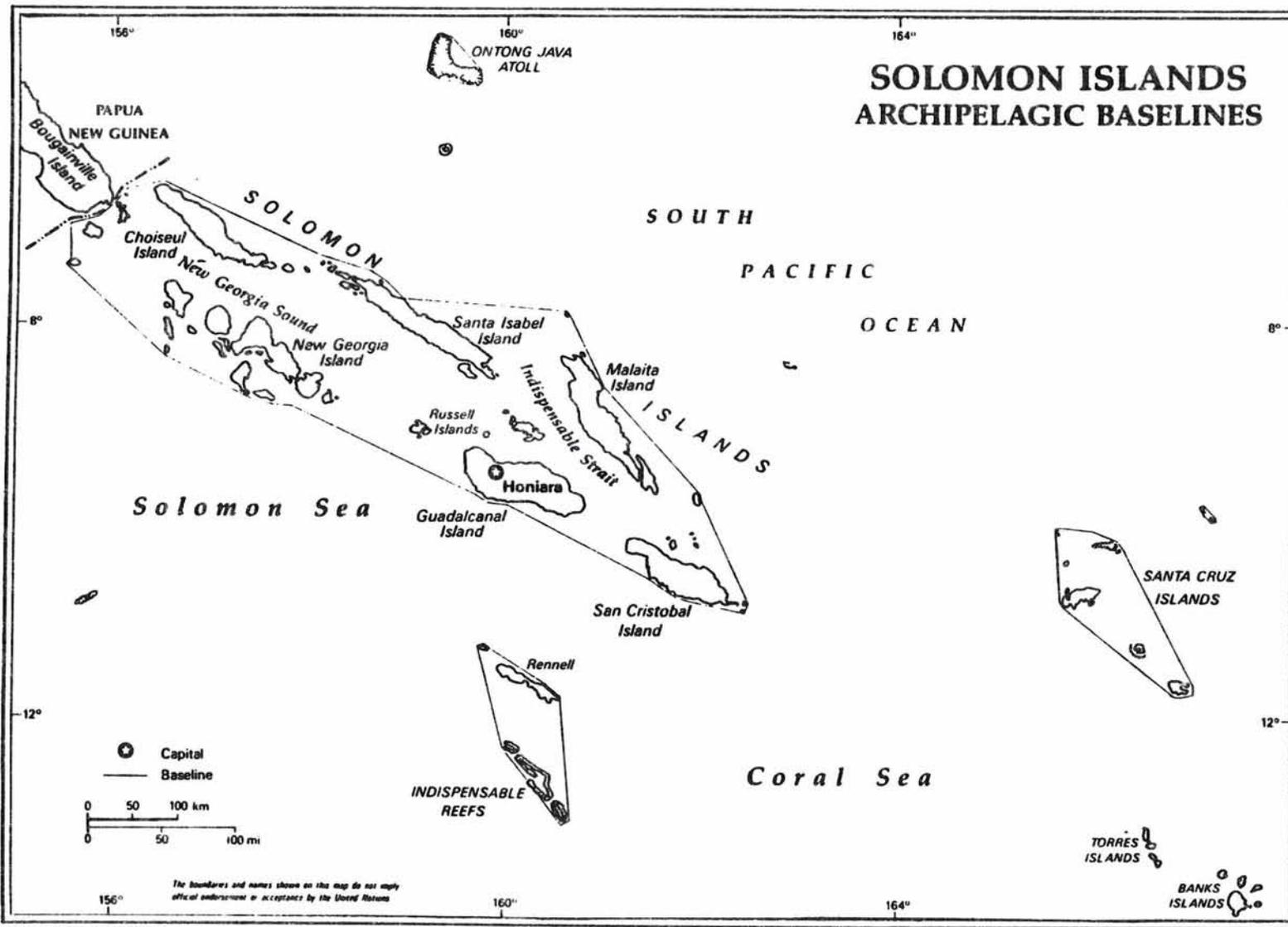
In the exercise of the powers conferred by section 4 (2) of the Delimitation of Marine Waters Act, 1978, the Prime Minister hereby declares that the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters and the innermost limits of the territorial sea of the archipelagos of Solomon Islands shall be those geographical co-ordinates specified below:

| <u>Point</u>                    | <u>Co-ordinates</u> |              | <u>On B.A.<br/>Chart</u> |
|---------------------------------|---------------------|--------------|--------------------------|
|                                 | <u>South</u>        | <u>East</u>  |                          |
| THE MAIN GROUP ARCHIPELAGO      |                     |              |                          |
| 1. On the reef                  | 06° 59'. 2          | 155° 31'. 75 | 3419                     |
| 2. On West Coast of Mono I.     | 07° 23'. 85         | 155° 31'. 2  | 3419                     |
| 3. At Laifa Point               | 07° 25'. 1          | 155° 31'. 6  | 3419                     |
| 4. On West Coast of Sterling I. | 07° 27'. 2          | 155° 33'. 1  | 3419                     |
| 5. At Cape Satisfaction         | 08° 18'. 4          | 156° 31'. 1  | 3419                     |

<sup>1/</sup> Declaration made on 20 April 1979. United Nations Legislative Series, ST/LEG/SER.B/19 pp. 107-109.

| Point | Co-ordinates                         |            | On B.A.<br>Chart |                  |
|-------|--------------------------------------|------------|------------------|------------------|
|       | South                                | East       |                  |                  |
| 6.    | On Rendova I.                        | 08° 43'.15 | 157° 20'. 0      | 3416             |
| 7.    | On Rendova I.                        | 08° 44'.25 | 157° 23'. 0      | 3416             |
| 8.    | On Tetipari I.                       | 08' 47'.78 | 157° 37'.75      | 3416             |
| 9.    | Off South I.                         | 08' 48'. 7 | 157° 45'. 9      | 3416             |
| 10.   | Off East I.                          | 08' 48'. 5 | 157° 49'. 0      | 3416             |
| 11.   | At Masaubaga Point                   | 09' 42'. 6 | 159° 42'. 4      | 1469             |
| 12.   | Off Cape Hunter                      | 09' 47'. 7 | 159° 49'. 1      | 1469             |
| 13.   | Off Koliula Point                    | 09' 49'. 7 | 160° 03'. 1      | 1469 and<br>3404 |
| 14.   | On San Cristobal I.                  | 10' 35'. 3 | 161° 30'. 7      | 3412             |
| 15.   | At Cape Howu                         | 10' 40'. 1 | 161° 37'. 1      | 3412             |
| 16.   | Off Cape Sydney                      | 10' 45'. 9 | 161° 46'. 8      | 3412             |
| 17.   | On the reef                          | 10' 47'.25 | 161° 51'. 0      | 3412             |
| 18.   | On Sta. Catalina I.                  | 10' 54'. 2 | 162° 27'. 0      | 3412             |
| 19.   | At S.E. Point of Sta.<br>Catalina I. | 10' 54'. 0 | 162° 28'. 0      | 3412             |
| 20.   | On Sta. Ana I.                       | 10' 50'. 0 | 162° 28'. 5      | 3412             |
| 21.   | On Ulawa I.                          | 09' 43'. 4 | 161° 59'. 5      | 3412             |
| 22.   | At Ngora Ngora Point                 | 09' 42'. 5 | 161° 58'. 9      | 3412             |
| 23.   | At Cape Arsacides                    | 08' 37'.55 | 161° 00'. 7      | 3404             |
| 24.   | Off Nadi I.                          | 07' 52'. 4 | 160° 38'. 2      | 3403             |
| 25.   | Off Nadi I.                          | 07' 52'. 1 | 160° 37'.15      | 3403             |
| 26.   | Off Cape Megapode                    | 07' 45'. 2 | 158° 57'.45      | 3403             |
| 27.   | Off Papatura Ito. I.                 | 07' 34'.75 | 158° 47'. 2      | 3402             |
| 28.   | Off Omona I.                         | 07' 29'. 5 | 158° 40'. 4      | 3402             |
| 29.   | Off North Gijunabeana I.             | 07' 18'. 4 | 158° 04'. 7      | 3402             |
| 30.   | Off Suki I.                          | 07' 18'. 4 | 158° 04'. 7      | 3402             |
| 31.   | Off Malaengari                       | 06' 38'.15 | 156° 39'.25      | 3419             |
| 32.   | Off Cape Alexander                   | 06' 35'. 5 | 156° 31'. 9      | 3419             |
| 33.   | Off Pomba Inlet                      | 06' 34'. 7 | 156° 27'.75      | 3419             |
| 34.   | On Ooma Atoll                        | 06' 37'. 8 | 156° 06'. 0      | 3419             |
| 35.   | On Ovau I.                           | 06' 46'. 8 | 155° 59'. 3      | 3419             |
| 36.   | On Maifu I.                          | 06' 54'.45 | 155° 49'.75      | 3419             |
| 37.   | On the reef                          | 06' 58'. 9 | 155° 31'.85      | 3419             |
|       | Thence to Point 1 above              |            |                  |                  |
| 38.   | Off Bellona I.                       | 11' 16'. 1 | 159° 44'. 9      | 208              |
| 39.   | On North Reef                        | 02' 19'. 0 | 160° 03'. 1      | 208              |
| 40.   | On Middle Reef                       | 12' 39'. 8 | 160° 17'. 0      | 208              |
| 41.   | On South Reef                        | 13' 00'. 0 | 160° 33'. 0      | 208              |
| 42.   | On South Reef                        | 13' 2'. 5  | 160° 36'. 0      | 208              |
| 43.   | On South Reef                        | 13' 00'. 1 | 160° 38'. 5      | 208              |
| 44.   | On Rennell I.                        | 11' 51'. 2 | 160° 39'. 1      | 208              |
| 45.   | On Rennell I.                        | 11' 42'. 8 | 160° 29'. 7      | 208              |
| 46.   | On Bellona I.                        | 11' 17'. 1 | 159° 48'. 8      | 208              |
| 47.   | On Bellona I.                        | 11' 16'. 3 | 159° 46'. 7      | 208              |
|       | Thence to Point 38 above             |            |                  |                  |

| Point                         | Co-ordinates              |            | On B.A.<br>Chart |     |
|-------------------------------|---------------------------|------------|------------------|-----|
|                               | South                     | East       |                  |     |
| ONTONG JAVA GROUP ARCHIPELAGO |                           |            |                  |     |
| 48.                           | Off Kengo I.              | 05' 24'. 7 | 159° 12'.05      | 214 |
| 49.                           | Off Kiloma I.             | 05' 28'.65 | 159° 16'. 8      | 214 |
| 50.                           | Off Alunga I.             | 05' 31'. 6 | 159° 33'. 8      | 214 |
| 51.                           | Off Ngiloko I.            | 05' 32'.35 | 159° 38'. 9      | 214 |
| 52.                           | Off Akoo I.               | 05' 31'.55 | 159° 40'. 5      | 214 |
| 53.                           | Off Luaniu I.             | 05' 28'.95 | 159° 43'. 0      | 214 |
| 54.                           | On Nuika I.               | 05' 23'. 1 | 159° 42'. 5      | 214 |
| 55.                           | On the reef               | 05' 02'. 1 | 159° 23'. 1      | 214 |
| 56.                           | On the reef               | 05' 00'. 7 | 159° 18'. 6      | 214 |
| 57.                           | On the reef               | 05' 02'. 0 | 159° 16'. 0      | 214 |
| 58.                           | On the reef               | 05' 07'.65 | 159° 12'. 9      | 214 |
| 59.                           | On the reef               | 05' 21'. 5 | 159° 10'.85      | 214 |
| 60.                           | Off Nguhakai I.           | 05' 23'. 4 | 159° 11'. 0      | 214 |
|                               | Thence to Point 48 above  |            |                  |     |
| 61.                           | At Cape Boscawon          | 10' 49'.85 | 165° 46'.01      | 17  |
| 62.                           | On Astrolabe Reefs        | 11' 43'. 9 | 166° 49'. 9      | 17  |
| 63.                           | On Astrolabe Reefs        | 11' 44'. 5 | 166° 51'.15      | 17  |
| 64.                           | On Astrolabe Reefs        | 11' 45'.05 | 166° 54'. 3      | 17  |
| 65.                           | On Boussole Reef          | 11' 43'. 8 | 166° 59'.04      | 17  |
| 66.                           | Off Astrolabe Point       | 11' 42'.45 | 167° 01'. 7      | 17  |
| 67.                           | Off North East Passage    | 11' 36'.05 | 167° 01'.02      | 17  |
| 68.                           | On Temoa I.               | 10' 15'. 5 | 166° 22'.65      | 17  |
| 69.                           | Off Nufiloli I.           | 10' 10'.55 | 166° 17'.08      | 17  |
| 70.                           | Off Nukapu I.             | 10' 04'. 1 | 166° 02'.75      | 17  |
| 71.                           | Off Nupani I.             | 10' 01'. 9 | 165° 42'.09      | 17  |
| 72.                           | Off Nupani I.             | 10' 02'. 2 | 165° 42'. 3      | 17  |
| 73.                           | Off Nupani I.             | 10' 05'.65 | 165° 41'.65      | 17  |
| 74.                           | Off Nemba                 | 10' 46'.95 | 165° 44'. 8      | 17  |
| 75.                           | Off Nemba                 | 10' 47'. 9 | 165° 45'.00      | 17  |
|                               | Thence to Point 61 above  |            |                  |     |
| THE DUFF ISLANDS ARCHIPELAGO  |                           |            |                  |     |
| 76.                           | On Tuleki                 | 09' 45'.35 | 167° 03'. 6      | 17  |
| 77.                           | On Papa I.                | 09' 48'. 6 | 167° 05'. 8      | 17  |
| 78.                           | Off Taumako I.            | 09' 53'. 6 | 167° 10'. 5      | 17  |
| 79.                           | On Loteva I.              | 09' 55'. 8 | 167° 14'. 8      | 17  |
| 80.                           | On the Islet              | 09' 55'.05 | 167° 14'. 8      | 17  |
| 81.                           | On Taumako I.             | 09' 52'.05 | 167° 11'.55      | 17  |
| 82.                           | On the Islet              | 09' 46'. 5 | 167° 05'. 3      | 17  |
| 83.                           | On Tuleki I.              | 09' 45'.55 | 167° 04'. 1      | 17  |
|                               | Thence to Point 76 above. |            |                  |     |



12. TRINIDAD AND TOBAGO

(a) Territorial Seas Act, 1969 1/  
Act No. 38 of 6 December 1969

[Original: English]

An Act to make provision with respect to the Territorial Sea of Trinidad and Tobago.

Enactment

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 Trinidad and Tobago, and by the authority of the same, follows:

1. Short title and Commencement.

(1) This Act may be cited as the Territorial Sea Act, 1969.

(2) This Act shall come into force on such day as the Governor-General may appoint by Proclamation published in the Gazette.

2. Interpretation

In this Act -

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

"low-water line" has the meaning assigned thereto by section 7;

"low-tide elevation" means a naturally formed area of land which is surrounded by, and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

"nautical mile" means the international nautical mile.

3. Territorial Sea

The Territorial Sea of Trinidad and Tobago comprises those areas of the sea having as their inner limits the baselines defined in section 5 and as their outer limits a line measured seaward from that baseline, every point of which is distant twelve nautical miles from the nearest point of the baseline so, however, that where the outer limits of the Territorial Sea of Trinidad and Tobago intersect foreign territorial waters the outer limits thereof shall be resolved through agreements or other means recognized by international law.

4. Internal waters

The internal waters of Trinidad and Tobago shall include any areas of the sea that are on the landward side of the baseline of the Territorial Sea of Trinidad and Tobago.

---

1/ Source: Government of Trinidad and Tobago, 1969.

5. Baseline of Territorial Sea

(1) The baselines from which the Territorial Sea shall be measured shall be:

- (a) the low-water line along the coasts of the island of Trinidad and of the island of Tobago as well as the coast of all other islands that form part of Trinidad and Tobago; and
- (b) the straight baselines drawn from points shown on a large-scale Government Map of Trinidad and Tobago in localities where the coast line is deeply indented and cut into or if there is a fringe of islands in its immediate vicinity.

(2) For the purposes of subsection (1) (a), a low-tide elevation that lies wholly or partly within the breadth of the 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.

6. Bed of territorial sea and internal waters vested in Her Majesty

The seabed or submarine areas bounded on the landward side by the baselines referred to in section 5 and on the seaward side by the outer limits of the Territorial Sea shall be deemed to be and always to have been vested in Her Majesty in right of Her Government of Trinidad and Tobago.

7. Official charts

(1) For the purposes of this Act, the low-water line in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest scale Trinidad and Tobago Government nautical chart for the time being of that area or, where no such chart of that area exists, the largest scale British Admiralty Chart for the time being of that area.

(2) In any proceedings in any Court a certificate purporting to be signed by the Minister of Home Affairs or a person authorized by him that:

- (a) any specified Trinidad and Tobago Government Nautical Chart of any area is the largest scale Trinidad and Tobago Government Nautical Chart for the time being of that area; or
- (b) no Trinidad and Tobago Government nautical chart for any area exists and that any specified British Admiralty Chart of that area is the largest scale British Admiralty Chart for the time being of that area

shall be admissible as evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

8. For the purposes of this Act, permanent harbour works which form an integral part of a harbour system shall be treated as forming part of the coast.

9. Act binds the Crown

This Act binds the Crown.

10. Amendments

The several amendments mentioned in the first column of the Schedule are hereby amended to the extent set out in the second column of the said Schedule:

SCHEDULE

| <u>First column</u>                    | <u>Second column</u>   |
|--|--|
| Interpretation Section 50<br>Act, 1962 | By inserting in its appropriate alphabetical order the following definitions:<br>(vv) " 'Territorial Sea of Trinidad and Tobago' has the same meaning as in section 3 of the Territorial Sea Act, 1969; and in all Acts passed before the commencement of that Act unless the context otherwise requires, the expressions 'territorial waters', 'waters of Trinidad and Tobago' and analogous expressions have the same meaning;<br><br>(vvv) 'Trinidad and Tobago' means the islands of Trinidad and Tobago and includes the territorial seas of Trinidad and Tobago as defined in section 3 of the Territorial Sea Act, 1969 and in all Acts passed before the commencement of that Act unless the context otherwise requires, the expressions 'territory of Trinidad and Tobago', 'the country' and analogous expressions have the same meaning." |

Passed in the Senate on 5 November 1969.

J. E. Carter (Clerk of the Senate)

Passed in the House of Representatives on 21 November 1969.

G. R. Latour (Clerk of the House)

(b) Archipelagic Waters and Exclusive Economic Zone Act, 1986 <sup>1/</sup>  
Act No. 24 of 11 November 1986

[Original: English]

An Act to declare the Republic of Trinidad and Tobago an archipelagic State, and to define the new areas of marine space appertaining to Trinidad and Tobago in the exclusive economic zone, and in the archipelagic waters, and the nature and extent of the jurisdiction to be exercised by it in each of these areas and to make provision for matters connected therewith in accordance with the United Nations Convention on the Law of the Sea, done at Montego Bay, Jamaica on 10th December, 1982.

[Assented to 11th November, 1986]

Enactment

Enacted by the Parliament of Trinidad and Tobago as follows:

Short title

1. This Act may be cited as the Archipelagic Waters and Exclusive Economic Zone Act, 1986.

PART I

PRELIMINARY

Interpretation

2. In this Act:

"allowable catch" means the amount of living resources determined by the Minister to whom responsibility for fisheries is assigned in accordance with relevant environmental and economic factors;

"archipelagic State" means the political entity of Trinidad and Tobago comprising that group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that they form an intrinsic geographical and economic entity;

"archipelagic waters" means the waters enclosed by the archipelagic baselines as drawn in accordance with section 6;

"conservation and management" includes all methods and measures which are:

---

<sup>1/</sup> Legal Supplement, Part A, to the Trinidad and Tobago Gazette, vol. 25, No. 311, 17 November 1986.

(a) Required to rebuild, restore or maintain, or which are useful in rebuilding, restoring or maintaining any living resource or the marine environment; and

(b) Designed to ensure that:

- (i) a supply of food and other products may be taken, and that recreational benefits may be obtained on a continuing basis;
- (ii) irreversible or long-term adverse effects on fishery resources or the marine environment are avoided; and
- (iii) there will be a multiplicity of options available with respect to the use of such resources;

"contiguous zone" means that area contiguous to the territorial sea which does not extend beyond 24 nautical miles from the archipelagic baselines from which the breadth of the territorial sea is measured;

"continental shelf" shall have the meaning assigned to it in the Continental Shelf Act;

"Convention" means the United Nations Convention on the Law of the Sea, done at Montego Bay, Jamaica, on 10th December, 1982;

"fish" includes oysters, crabs, shrimps, turtles, turtle eggs, coral and any species of other marine fauna;

"fishery" means any one or more stocks of fish, which can be treated as a unit for the purpose of conservation and management, and which are identified on the basis of geographical, scientific, technical, recreational and economical characteristics, and includes any fishing for any such stocks;

"fishing craft" means a vessel, aircraft, hovercraft or other craft of whatever size and however propelled that is capable of being used for fishing and is operated for financial reward or other material gain, scientific research or processing, storage or carriage of fish and includes any vessel used in support of or ancillary to fishing operations, but does not include a vessel transporting fish or fish products as part of its general cargo;

"foreign fishing craft" means a fishing craft flying the flag of a foreign State or registered in a foreign State;

"foreign ship" means a vessel in which less than 51 per cent of the ownership is vested in nationals of Trinidad and Tobago;

"master" means any person having command of a ship;

"Minister" means the Minister to whom responsibility for the subject of External Affairs is assigned;

"nautical mile" means 1,852 metres;

"territorial sea" shall have the meaning assigned to it in the Territorial Sea Act.

PART II

ARCHIPELAGIC STATE

Declaration of Trinidad and Tobago as an archipelagic State

3. The Republic of Trinidad and Tobago is declared an archipelagic State.

Archipelagic waters

4. The archipelagic waters of Trinidad and Tobago shall include any areas of the sea that are enclosed by the archipelagic baselines drawn in accordance with section 6.

Legal status of archipelagic waters, airspace, bed and subsoil

5. The sovereignty of Trinidad and Tobago as an archipelagic State extends to:

(a) The archipelagic waters regardless of their depth or distance from the coast; and

(b) The airspace over the archipelagic waters as well as their bed and subsoil and the resources, both living and non-living, contained therein.

Archipelagic baselines

6. (1) The archipelagic baselines of Trinidad and Tobago shall consist of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago.

(2) The baselines drawn in accordance with this section shall be shown on charts of a scale or scales adequate for ascertaining their position, or alternatively lists of geographical co-ordinates of points specifying the geodetic datum may be substituted.

(3) The Minister shall give due publicity to such charts or lists of geographical co-ordinates by Notice in the Gazette, and shall cause a copy of each such chart or lists of geographical co-ordinates to be deposited with the Secretary-General of the United Nations.

Measurement of territorial sea, contiguous zone, exclusive economic zone and continental shelf

7. The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with section 6.

Internal waters

8. Trinidad and Tobago may draw closing lines within its archipelagic waters for the delimitation of the internal waters as defined in the Territorial Sea Act.

Existing agreements

9. (1) Without prejudice to section 5, Trinidad and Tobago shall respect existing agreements and other treaties with other States affecting areas falling within the archipelagic waters.

(2) The extent and the areas to which the existing agreements apply shall, at the request of any of the States concerned, be regulated by bilateral agreements between them.

Submarine cables

10. Trinidad and Tobago shall respect existing submarine cables laid by other States and passing through its waters without entering upon its territory and shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.

Right of innocent passage

11. (1) Without prejudice to section 8 ships of all States enjoy the right of innocent passage in the archipelagic waters of Trinidad and Tobago.

(2) For the purpose of this section passage means navigation through the archipelagic waters of Trinidad and Tobago for the purpose of:

(a) Crossing those waters without entering the 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.

(3) Such passage shall be continuous and expeditious and includes stopping and anchoring but 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, ships or aircraft in danger or distress.

Meaning of innocent passage

12. (1) Passage is innocent so long as it is not prejudicial to the peace, good order or security of Trinidad and Tobago and is in conformity with the provisions of the Convention and such other relevant rules of international law.

(2) The passage of a foreign ship shall be considered prejudicial to the peace, good order or security of Trinidad and Tobago where it engages, in the archipelagic waters, in the following activities:

(a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Trinidad and Tobago or any 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 Trinidad and Tobago;
- (d) Any act of propaganda aimed at affecting the defence or security of Trinidad and Tobago;
- (e) The launching, landing or taking on board of any aircraft;
- (f) The launching, landing or taking on board of any military device;
- (g) The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Trinidad and Tobago;
- (h) Any act of wilful and serious pollution contrary to the Convention;
- (i) Any fishing activities without the consent of the Minister;
- (j) The carrying out of research or survey activities without the consent of the Minister;
- (k) Any act aimed at interfering with any systems of communication or any other facilities or installation of Trinidad and Tobago;
- (l) Any other activity not having a direct bearing on passage.

#### Suspension of innocent passage

13. (1) The President may by Proclamation suspend, temporarily, in specified areas of the archipelagic waters, the innocent passage of foreign ships, where such suspension is essential for the protection of its security.
- (2) Such suspension shall take effect only after due publication.
- (3) Failure to comply with a proclamation made under this section is an offence.

### PART III

#### EXCLUSIVE ECONOMIC ZONE

##### Establishment of exclusive economic zone

14. The exclusive economic zone of Trinidad and Tobago (hereinafter referred to as "the exclusive economic zone") comprises all areas of sea, having as their innermost limits the outermost limits of the territorial sea, and as their outermost limits a line drawn seaward from the baseline from which the territorial sea is measured every point of which is at a distance of 200 nautical miles from the nearest point of the baselines from which the breadth of the territorial sea is measured.

Delimitation of exclusive economic zone between States  
with opposite or adjacent coasts

15. Where the distance between Trinidad and Tobago and opposite or adjacent States is less than 400 nautical miles, the boundary of the exclusive economic zone shall be determined by agreement between Trinidad and Tobago and the States concerned on the basis of international law in order to achieve an equitable solution.

Minister may reduce outer limits of exclusive economic zone

16. The Minister may by Order, and for the purpose of implementing an international agreement or the award of an international body, declare that the outer limits of the exclusive economic zone extend to such line, any point of which may be at a distance of less than 200 nautical miles from the nearest point of the archipelagic baseline, as specified in such Order.

Outer limits of exclusive economic zone to be shown on charts

17. The Minister:

(a) Shall cause the outer limits of the exclusive economic zone and any lines of delimitation drawn to be shown on charts of a scale or scales adequate for determining them; or

(b) May substitute therefor lists of geographical co-ordinates of points specifying the geodetic datum;

(c) Give due publicity to such charts or lists of geographical co-ordinates by Notice in the Gazette, and

(d) Shall cause a copy of each such chart or lists of geographical co-ordinates to be deposited with the Secretary-General of the United Nations.

Vested rights of Trinidad and Tobago over sea-bed and submarine areas

18. The establishment of the exclusive economic zone shall not affect the vested rights of Trinidad and Tobago over the sea-bed and submarine areas of the territorial sea and continental shelf as set out in the Territorial Sea Act and the Continental Shelf Act.

Sovereign rights and jurisdiction of Trinidad and Tobago  
in exclusive economic zone

19. Trinidad and Tobago in the exclusive economic zone has:

(a) Sovereign rights over:

(i) the exploration and exploitation, conservation and management of the living and non-living natural resources of the waters superjacent to the sea-bed and of the sea-bed and its subsoil;

(ii) the production of energy from the water, currents and winds; and

(b) Jurisdiction over:

- (i) the establishment and use of artificial islands, installations and structures;
- (ii) marine scientific research; and
- (iii) the protection and preservation of the marine environment.

Other States in the exclusive economic zone

20. Subject to any other law in force every State enjoys in the economic zone, the freedom of:

- (a) Navigation;
- (b) Overflight;

(c) Laying of submarine cables and pipelines on the continental shelf subject to the jurisdiction of Trinidad and Tobago over such cables and pipelines and the right of Trinidad and Tobago to establish conditions for their laying.

Conservation and management of living resources

21. The Minister to whom responsibility for fisheries is assigned shall ensure, through proper conservation and management, that the living resources in the exclusive economic zone are not endangered by overexploitation, and may from time to time by Notice in the Gazette:

(a) Determine the allowable catch in respect of every fishery within the exclusive economic zone;

(b) Determine the proportion of the allowable catch to be harvested by citizens of Trinidad and Tobago in the exclusive economic zone;

(c) Prescribe on the basis of agreements or other arrangements for the remaining proportion of the allowable catch which other States or the nationals of such States are permitted to harvest in the exclusive economic zone.

Certain activities of a State, etc., prohibited without consent

22. No State, international organization, nor person, shall without the consent in writing of the President signified by Notice engage within the exclusive economic zone in any of the following activities:

(a) The exploration and exploitation, conservation and management of living and non-living natural resources;

(b) The production of energy from water, currents and winds;

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

- (d) Marine scientific research;
- (e) The protection and preservation of the marine environment; and
- (f) Any other such activity.

Right of citizen or body corporate to fish  
in exclusive economic zone

23. The provisions of section 22 in relation to the activity of fishing shall not apply to the right of a citizen of Trinidad and Tobago or a body incorporated in Trinidad and Tobago in which at least 51 per cent of the shares are owned by citizens of Trinidad and Tobago.

President may withhold consent to marine scientific research  
project of a State

24. The President may withhold his consent to the conduct of a marine scientific research project of another State or international organization in the exclusive economic zone where the project proposal:

- (a) Is of direct significance for the exploration and exploitation of living and non-living natural resources;
- (b) Involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- (c) Involves the construction, operation or use of artificial islands, installations and structures;
- (d) Contains information regarding the nature and objectives of the project which is inaccurate;
- (e) Is made by a researching State or competent international organization which has outstanding obligations to Trinidad and Tobago from a prior research project;
- (f) Will result in activities that unjustifiably interfere with activities undertaken by Trinidad and Tobago in accordance with its sovereign rights and jurisdiction.

Trinidad and Tobago to authorize fishing  
by agreement or treaty

25. Trinidad and Tobago may by agreement or treaty, authorize any State, international organization or person to fish within the exclusive economic zone, the territorial sea and the archipelagic waters.

Licences for foreign fishing craft and crew to fish in exclusive  
economic zone, territorial sea, and archipelagic waters

26. (1) No foreign fishing craft nor the master and members of the crew of a foreign fishing craft may engage in fishing in the exclusive economic zone, the territorial sea and the archipelagic waters without a licence issued by the Minister to whom responsibility for fisheries is assigned.

(2) The Minister to whom responsibility for fisheries is assigned may, on payment of the prescribed fees, issue licences in respect of:

- (a) A foreign fishing craft; and
- (b) The master and members of the crew of a foreign fishing craft.

(3) A licence issued in respect of a foreign fishing craft shall state the craft's specifications and operating conditions.

(4) A licence issued in respect of the master and members of the crew of a foreign fishing craft shall state their:

- (a) Names and addresses;
- (b) Ages;
- (c) Fisherman registration numbers;
- (d) Identification numbers; and
- (e) Experience in fishing activities.

Foreign fishing craft not to exceed prescribed allowable catch

27. The Minister to whom responsibility for fisheries is assigned shall ensure that:

- (a) The total catch of all foreign fishing craft does not exceed the total allowable catch prescribed for all such craft; and
- (b) The total catch by all foreign fishing craft of any one State does not exceed the apportionment prescribed for that State.

Surveillance in the exclusive economic zone, the territorial sea and the archipelagic waters

28. (1) The persons referred to in subsection (2) are empowered in the exercise of their official functions to:

- (a) Stop and board, inspect, seize and detain a foreign fishing craft,
- (b) Seize any fish and equipment found on board the foreign fishing craft, and
- (c) Arrest the master and crew of any foreign fishing craft,

in the exclusive economic zone, the territorial sea and the archipelagic waters, and may also institute such criminal proceedings against them, as may be necessary to ensure compliance with the Act and the Regulations.

(2) The persons to whom subsection (1) applies are:

- (a) Members of the Trinidad and Tobago Coast Guard;

- (b) Members of the Police Service;
- (c) Fisheries Officers of the Ministry responsible for fisheries;
- (d) Customs Officers;
- (e) The Harbour Master; and
- (f) Any other person authorized in writing by the Minister.

#### Exemption

29. (1) The provisions of section 26 shall not apply to a foreign fishing craft or to the master and members of the crew of such craft:

(a) In which at least 51 per cent of the ownership thereof is vested in citizens of Trinidad and Tobago; or

(b) Owned by a company incorporated in Trinidad and Tobago in which at least 51 per cent of the shares is vested in citizens of Trinidad and Tobago.

(2) The Minister to whom responsibility for fisheries is assigned may issue a Certificate of Exemption to every such foreign fishing craft referred to in subsection (1).

(3) The Certificate of Exemption shall be carried out on board the foreign fishing craft, and shall be tendered for inspection at the request of any one or all of the persons referred to in section 28.

#### Offences

30. (1) Any foreign fishing craft and the master and members of the crew of a foreign fishing craft who, in breach of section 26:

(a) Fish in the exclusive economic zone, the territorial sea or the archipelagic waters without a licence;

(b) Fail to comply with the terms of a licence; or

(c) Obstruct a person empowered to undertake surveillance in the exclusive economic zone, the territorial sea or the archipelagic waters in the performance of his duties,

is guilty of an offence and liable on summary conviction in the case of an offence in the exclusive economic zone to a fine of fifty thousand dollars and in the case of an offence in the territorial sea and the archipelagic waters to a fine of ten thousand dollars and imprisonment for six months and in addition in all cases to suspension or cancellation of the licence, forfeiture of the craft, equipment and all the fish found on board.

(2) Any foreign ship and the master and members of its crew that pass through the archipelagic waters of Trinidad and Tobago contrary to section 11 or 13 is guilty of an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for six months.

(3) Any offence, under the provisions of this Act or Regulations, which is committed within the exclusive economic zone shall be deemed to have been committed in Trinidad and Tobago.

Release of arrested craft and their crews

31. A foreign fishing craft which is seized and detained and the master and crew of which are arrested under section 28 shall be promptly released upon the posting of the prescribed bond in the sum of one hundred thousand dollars or other surety.

Regulations

32. The President may make Regulations for implementing the provisions of this Act for anything that is required or authorized to be prescribed by or under this Act and in particular for the:

(a) Protection and preservation of the marine environment, and the prevention, reduction and control of pollution of that environment arising from:

- (i) land-based sources including rivers, estuaries, pipelines and outfall structures;
- (ii) sea-bed activities under the jurisdiction of Trinidad and Tobago and artificial islands, installations and structures under its jurisdiction;
- (iii) dumping;
- (iv) vessels; and
- (v) the atmosphere;

(b) Marine scientific research within the exclusive economic zone;

(c) Construction operation and use of:

- (i) artificial islands;
- (ii) installations and structures for economic purposes;
- (iii) installations and structures which may interfere with the exercise of the rights of Trinidad and Tobago,

within the exclusive economic zone;

(d) Exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds;

(e) Administration of the Act;

(f) Licensing of the master and members of the crew of a foreign fishing craft, fishing craft and equipment;

(g) Payment of licence fees;

(h) Determination of the species of fish which may be caught;

(i) Fixing of quotas of catch of fish, whether in relation to particular stocks or groups of stocks or catch per craft over a period of time or to the catch by foreign States or the citizens of such States during a specified period;

(j) Regulating seasons and areas of fishing;

(k) The types, sizes and amount of gear and the types, sizes and number of fishing craft that may be used for fishing;

(l) Fixing of the age and size of fish and other species that may be caught;

(m) The specifying of information required of fishing craft, including catch, and effort statistics and craft position reports;

(n) Conduct and regulation under the authorization and control of the Government of specified fisheries research programmes including the sampling of catches, dispositions of samples and reporting of associated scientific data;

(o) The placing of observers or trainees, by the Government, on board craft involved in fisheries research programmes;

(p) Landing of all or any part of the catch by such craft in the ports of Trinidad and Tobago;

(q) Terms and conditions relating to joint ventures or other mutually agreed arrangements;

(r) Requirements for the training of personnel and the transfer of technology and research methodology related to the conservation and management of the living and non-living marine resources;

(s) The designation of archipelagic sea-lanes passage.

Passed in the House of Representatives this 18th day of August, 1986.

13. TUVALU

Marine Zones (Declaration) Ordinance, 1983 <sup>1/</sup>

National Limits of Jurisdiction

ARRANGEMENT OF SECTIONS:

1. Short title and commencement
2. Interpretation -
  - "the base-line of Tuvalu"
  - "conservation and management"
  - "fishery resource"
  - "low-tide elevation"
  - "the low-water line"
  - "the median line"
  - "nautical mile"
3. References to rules of international
4. Application of this Ordinance
5. Internal waters
6. Archipelagic waters
7. The territorial sea
8. The exclusive economic zone
9. The contiguous zone
10. Legal character of marine zones, etc.
11. Rights of other States in marine zones, etc.
12. General regulations as to the exclusive economic zone
13. Charts, publicity, etc.
14. Evidentiary provisions

---

<sup>1/</sup> Regional Compendium of Fisheries Legislation (Western Pacific Region), FAO, vol. II, pp. 760-766.

AN ORDINANCE

To make provision in respect of the internal waters, the archipelagic waters, the territorial sea, the exclusive economic zone and the contiguous zone of Tuvalu.

Commencement

ENACTED BY THE PARLIAMENT OF TUVALU

1. Short title and commencement

This Ordinance may be cited as the Marine Zones (Declaration) Ordinance 1983, and shall come into operation on such date as the Minister may, by notice, appoint.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires:

"the base-line of Tuvalu" means the low-water line of the seaward side of the reef fringing the coast of any part of Tuvalu or bounding any lagoon waters adjacent to any part of that coast, or where a reef is not present the low-water line of the coast itself;

"conservation and management" includes all rules, regulations, methods and measures that -

- (a) are required to build, restore or maintain, or are useful in building, restoring or maintaining, any fishery resource or the marine environment; or
- (b) are designed to ensure that -
  - (i) a supply of food and other products may be taken, and recreational benefits may be obtained, on a continuing basis; and
  - (ii) irreversible or long-term ill-effects on fishery resources or the marine environment are avoided; and
  - (iii) there will be a multiplicity of options available with respect to uses of those resources;

"fishery resource" means any fishery, stock of fish, species of fish or habitat of fish;

"low-tide elevation" means any fishery, stock of fish, species of fish or habitat of fish;

"low-water line", in relation to any area, means the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of the area held by the Minister;

"the median line" means a line every point of which is equidistant from the nearest points on

- (a) the base-lines from which the territorial sea of Tuvalu is measured; and
- (b) the corresponding base-lines of any other country;

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

- (2) For the purposes of this Ordinance, permanent harbour works that form an integral part of a harbour system shall be regarded as forming part of the coast, installations or artificial islands.

### 3. References to rules of international law

Where in this Ordinance it is provided that anything shall be done, or any law or order shall be made, in accordance with the rules of international law, the question, whether it was so done or made, is non-justiciable.

### 4. Application of this Ordinance

The provisions of this Ordinance shall be read subject to the provisions of any treaty or other international obligation which is ratified or finally accepted by or on behalf of Tuvalu.

### 5. Internal waters

- (1) For the purposes of any law of Tuvalu, the internal waters of Tuvalu are:

- (a) all waters on the landward side of the base-lines from which the breadth of the territorial sea is measured; and
- (b) where closing lines are drawn in accordance with Subsection (2) - the waters inland of those lines to the extent that they are outside those base-lines.

- (2) The Minister may, in accordance with the rules of international law, declare, by reference to

- (a) physical features marked on official charts; or
- (b) lists of geographical co-ordinates, specifying the geodetic datums,

the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of Tuvalu, in the case of the mouths of or entrances to lagoons.

### 6. Archipelagic waters

- (1) For the purposes of any law of Tuvalu, the archipelagic waters (if any) of Tuvalu comprise all areas of sea contained within the base-lines established under Subsection (2).

(2) The Minister may, in accordance with the rules of international law, declare, by reference to

(a) physical features marked on official charts, or

(b) lists of geographical co-ordinates, specifying the geodetic datums,

the points between which straight base-lines are to be drawn for the purpose of determining

(c) the outer limits of the archipelagic waters of Tuvalu; and

(d) the inner limits of the territorial sea.

7. The territorial sea

(1) Subject to Subsection (2), for the purposes of any law of Tuvalu the territorial sea of Tuvalu is those parts of the sea within 12 nautical miles from the base-line of Tuvalu.

(2) Where archipelagic base-lines are drawn under Section 6(2), the breadth of the territorial sea shall be measured from those base-lines to the extent to which they are outside the outer limits of the internal waters of Tuvalu.

8. The exclusive economic zone

(1) Subject to the succeeding provisions of this section, for the purposes of any law of Tuvalu the exclusive economic zone of Tuvalu comprises those parts of the sea having:

(a) as their inner limits - the outer limits of the territorial sea; and

(b) as their outer limits - a line drawn 200 nautical miles seaward from the base-lines from which the breadth of the territorial sea is measured.

(2) The Minister may, in accordance with the rules of international law, declare, by reference to:

(a) physical features marked on official charts, or

(b) lists of geographical co-ordinates, specifying the geodetic datums,

the points between which straight base-lines are to be drawn for determining the outer limits of the exclusive economic zone.

(3) Where base-lines are drawn in accordance with Subsection (2), the breadth of the exclusive economic zone shall be measured from those base-lines.

- (4) The Minister may, by order, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of Tuvalu are such as are specified in the order.
- (5) Where the median line is less than 200 nautical miles from the line from which the breadth of the territorial sea is to be measured, the outer limits of the exclusive economic zone extend only to the median line.

9. The contiguous zone

For the purposes of any law of Tuvalu, the contiguous zone of Tuvalu is those parts of the sea within 24 nautical miles from the base-lines from which the breadth of the territorial sea is measured.

10. Legal character of marine zones, etc.

- (1) The sovereignty of Tuvalu extends beyond its land territory and internal waters, and its archipelagic waters (if any), over its territorial waters and the airspace over them and the seabed and subsoil under them, and the resources contained in them.
- (2) Within the exclusive economic zone, Tuvalu has sovereign rights -
  - (a) for the purposes of exploring and of exploiting, conserving and managing the natural resources, whether living or non-living, of
    - (i) the sea-bed; and
    - (ii) the subsoil under the sea-bed; and
    - (iii) the waters over the sea-bed; and
  - (b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the waters, currents and winds.
- (3) Within the exclusive economic zone Tuvalu has such other rights as are conferred or recognized by international law.
- (4) Within the contiguous zone, Tuvalu has all rights necessary -
  - (a) to prevent infringement of its customs, fiscal, immigration and sanitary laws and regulations within the territory, and territorial sea or the archipelagic waters (if any) of Tuvalu; and
  - (b) to punish any such infringement,and all relevant laws of Tuvalu extend to the contiguous zone accordingly.
- (5) The sovereignty and rights of Tuvalu under this section shall be exercised in accordance with the rules of international law.

11. Rights of other States in marine zones, etc.:

- (1) Subject to the succeeding provisions of this section, ships and aircraft of all States have, in accordance with the rules of international law, the right of free passage through and over the territorial sea and the archipelagic waters (if any) of Tuvalu.
- (2) The Minister may, by order:
  - (a) designate, in accordance with the rules of international law, sealanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft through and over the archipelagic waters and the adjacent territorial sea; and
  - (b) prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in any such sealanes.
- (3) In sealanes and air routes designated under Subsection (2) all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious, and unobstructed transit through and over the archipelagic waters and the adjacent territorial sea, from one part of the exclusive economic zone to another part of it.
- (4) Until sealanes and air routes are designated under Subsection (2), the rights of navigation and overflight referred to in Subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.
- (5) The rights of navigation and overflight referred to in Subsections (3) and (4) are subject to all laws of Tuvalu made in accordance with the rules of international law.
- (6) Subject to this and any other Ordinance and to the rules of international law, all States and their nationals shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law.

12. General regulations as to the exclusive economic zone:

Where no other provision is made by or under any other Ordinance for the purpose, the Minister may make regulations, which shall be in accordance with the rules of international law, for all or any of the following purposes:

- (a) regulating the conduct of scientific research within the exclusive economic zone; and

- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds, and for other economic purposes; and
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including requirements for the establishment of safety zones around any such island, installation or structure; and
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of Tuvalu in relation to the exclusive economic zone, or as are necessary to give full effect to the provisions of this Ordinance.

13. Charts, publicity, etc.:

- (1) The Minister shall cause all closing lines, base-lines and other lines drawn for the purposes of this Ordinance, for determining the limits of the internal waters, the archipelagic waters (if any), the territorial sea, the exclusive economic zone and the contiguous zone of Tuvalu, to be clearly indicated on charts of a scale or scales adequate for them to be readily determined, and shall give adequate publicity to them.
- (2) A question, whether adequate publicity has been given under Subsection (1) to any matter, is non-justiciable.
- (3) A copy of each chart referred to in Subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary-General of the South Pacific Commission.

14. Evidentiary provisions:

In any proceedings before a court or person acting judicially, a certificate purporting to be signed by the Minister stating that any specific nautical chart of any area is a chart to which Section 13 applies that is held by the Minister is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.

14. VANUATU

The Maritime Zones Act, 1981 <sup>1/</sup>

[Original: English]

PART 1 - INTERPRETATION

"Low waterline" means the relevant low-water datum line shown on the latest relevant British Admiralty Charts or where there is no such datum the lowest astronomical tide line. In any case where there is doubt as to which is the latest relevant British Admiralty Chart for the purposes of this definition the Minister may establish which is such chart by declaration published in the Gazette.

PART 2 - INTERNAL WATERS

2. The internal waters of Vanuatu comprise all waters that are contained within the baselines from which the breadth of the territorial sea is measured or, for areas enclosed by straight archipelagic baselines, all waters that are contained within the innermost limits of the archipelagic waters.

PART 3 - ARCHIPELAGIC WATERS AND TERRITORIAL SEA

3. The sovereignty of Vanuatu extends beyond the land and internal waters of its islands to the archipelagic waters and territorial sea and to the airspace thereover as well as to the seabed and subsoil thereunder.

(1) The archipelagic waters comprise all waters other than internal waters contained within the archipelagic baseline as delimited in the Schedule.

(2) The innermost limits of the archipelagic waters shall be -

(a) the low-water line; or

(b) in the case of the sea adjacent to a bay -

(i) where the bay has only one mouth and the distance between the low-water lines of the natural entrance points of the bay does not exceed 24 nautical miles, along a closing line joining those low-water lines;

---

<sup>1/</sup> Text transmitted by the Permanent Mission of Vanuatu to the United Nations in a note verbale dated 17 February 1983.

Illustrative map: United Nations Cartographic Unit, November 1988.

(ii) where because of the presence of islands the bay has more than one mouth and the distance between the low-water lines of the natural entrance points of each mouth added together, does not exceed 24 nautical miles along a series of closing lines across each of the mouths so as to join those low-water lines;

(iii) where neither paragraph (a) nor paragraph (b) applies, along a closing line 24 nautical miles in length drawn from low-water line to low-water line within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length; and

(c) in the case of the mouth or each mouth of a river which flows into the sea, a closing line across the river mouth between points on the low-water line of its banks.

SCHEDULE

ARCHIPELAGIC BASELINE

An archipelagic baseline commencing at the outermost point of the low-water line on the Reef off Hiu Island co-ordinate 13° 04' 18" South 166° 32' 13".8 East, British Admiralty Chart No. 1575 and, except where the contrary intention appears, following the geodesic lines successively linking the outermost points on the low-water lines of the land areas specified below:

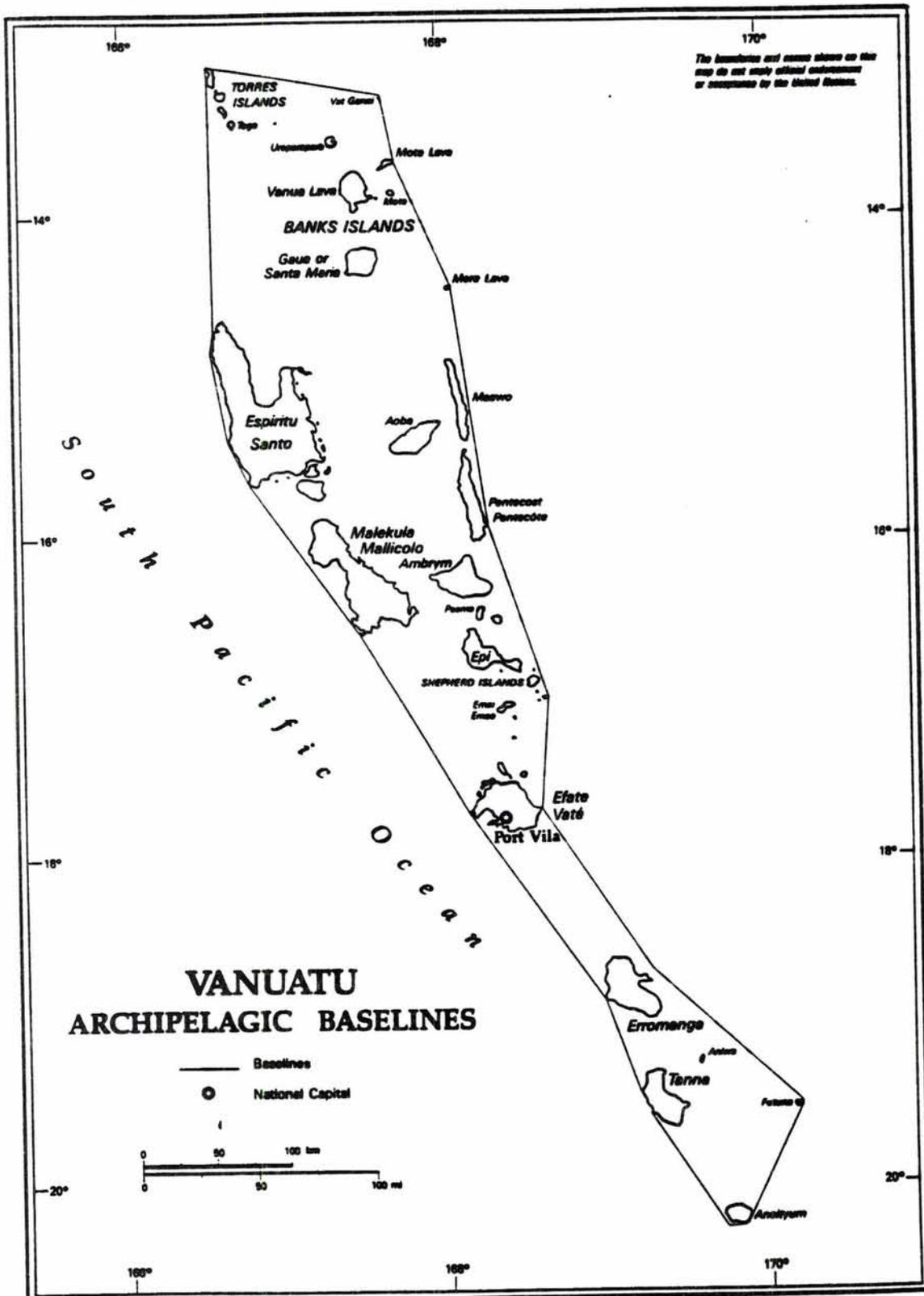
| <u>Point</u> | <u>Land area</u>                   | <u>Co-ordinates</u> |                | <u>British Admiralty Chart Number*</u> |
|--------------|------------------------------------|---------------------|----------------|--|
|              |                                    | <u>South</u>        | <u>East</u>    |  |
| 1)           | Vat Ganai Island                   | 13° 15' 10".8       | 167° 38' 10".5 | 1575                                   |
| 2)           | Vetvai Point on Motlav Island      | 13° 38' 46".8       | 167° 42' 25".5 | 1575                                   |
| 3)           | Islet off Merolava Island          | 14° 26' 22".9       | 168° 04' 10".2 | 1575                                   |
| 4)           | Treerock Point on Pentacost Island | 15° 55' 38".4       | 168° 16' 32".5 | 1575                                   |
| 5)           | Tongaraki Island                   | 17° 00' 38".4       | 168° 38' 27"   | 1576                                   |

\* The Editions of charts referred to in the fifth column are:

1575 7th September 1979  
1576 24th November 1978.

| <u>Point</u> | <u>Land area</u>                                  | <u>Co-ordinates</u> |                | <u>British<br/>Admiralty<br/>Chart<br/>Number</u> |
|--------------|---|---------------------|----------------|---|
|              |   | <u>South</u>        | <u>East</u>    |   |
| 6)           | Maniuro Point on<br>Efate Island                  | 17° 41' 42"         | 168° 35' 10"   | 1576  |
| 7)           | Goat Islet off<br>Erromanga                       | 18° 42' 09".6       | 169° 17' 43".5 | 1576  |
| 8)           | Reef off Futuna<br>Island                         | 19° 30' 42"         | 170° 13' 44".3 | 1576  |
| 9)           | Masi Point on<br>Futuna Island                    | 19° 32' 37".7       | 170° 13' 34".7 | 1576  |
| 10)          | Reef on Aneityum<br>Island                        | 20° 11' 45".6       | 169° 53' 42"   | 1576  |
|              | and thence along the low-water line to point (11) |                     |                |   |
| 11)          | Flat Rock off<br>Aneityum Island                  | 20° 15' 30"         | 169° 50' 42".9 | 1576  |
| 12)          | Reef off Aneityum<br>Island                       | 20° 15' 58".2       | 169° 45' 25".9 | 1576  |
| 13)          | Imlao on Tanna<br>Island                          | 19° 34' 51".6       | 169° 16' 42".6 | 1576  |
|              | and thence along the low-water line to point (14) |                     |                |   |
| 14)          | West Point Tanna<br>Islands                       | 19° 27' 09"         | 169° 12' 39"   | 1576  |
| 15)          | Ountovin Point on<br>Erromanga Island             | 18° 52' 51"         | 168° 59' 03".6 | 1576  |
| 16)          | Tukutuku Point on<br>Efate Island                 | 17° 43' 09".6       | 168° 09' 02".4 | 1576  |
| 17)          | Tomman Island                                     | 16° 35' 37".5       | 167° 27' 17".4 | 1575  |
| 18)          | Reef off Santo                                    | 15° 39' 24".6       | 166° 45' 58".8 | 1575  |
| 19)          | Remarkable Point<br>on Santo Island               | 15° 24' 04".5       | 166° 38' 27"   | 1575  |
| 20)          | Reef off Santo<br>Island                          | 14° 51' 06"         | 166° 32' 00".6 | 1575  |

| <u>Point</u> | <u>Land area</u>            | <u>Co-ordinates</u> |                | <u>British<br/>Admiralty<br/>Chart<br/>Number</u> |
|--------------|-----------------------------|---------------------|----------------|---|
|              |                             | <u>South</u>        | <u>East</u>    |   |
| 21)          | On NW Coast of Santo        | 14° 44' 51".6       | 166° 32' 42".6 | 1575  |
| 22)          | Thomeuf Point on Hiu Island | 13° 10' 21"         | 166° 31' 58".5 | 1575  |
| 23)          | On Reef off Hiu Island      | 13° 04' 18"         | 166° 32' 13".8 | 1575  |



II. TREATIES

Indonesia/Malaysia

- (a) Agreement between the Government of Malaysia and the Government of Indonesia on the delimitation of the continental shelves between the two countries. Done at Kuala Lumpur on 27 October 1969 1/

[Original: English, Indonesian and Malaysian]

Article 1

(1) The boundaries of the Malaysian and the Indonesian continental shelves in the Straits of Malacca and the South China Sea are the straight lines connecting the points specified in column 1 below whose co-ordinates are specified opposite those points in columns 2 and 3 below:

A. In the Straits of Malacca:

| <u>(1)</u><br><u>Point</u> | <u>(2)</u><br><u>Longitude E</u> | <u>(3)</u><br><u>Latitude N</u> |
|----------------------------|----------------------------------|---------------------------------|
| 1.                         | 98° 17'.5                        | 05° 27'.0                       |
| 2.                         | 98° 41'.5                        | 04° 55'.7                       |
| 3.                         | 99° 43'.6                        | 03° 59'.6                       |
| 4.                         | 99° 55'.0                        | 03° 47'.4                       |
| 5.                         | 101° 12'.1                       | 02° 41'.5                       |
| 6.                         | 101° 46'.5                       | 02° 15'.4                       |
| 7.                         | 102° 13'.4                       | 01° 55'.2                       |
| 8.                         | 102° 35'.0                       | 01° 41'.2                       |
| 9.                         | 103° 03'.9                       | 01° 19'.5                       |
| 10.                        | 103° 22'.8                       | 01° 15'.0                       |

B. In the South China Sea (Western side - off the east coast of West Malaysia):

| <u>(1)</u><br><u>Point</u> | <u>(2)</u><br><u>Longitude E</u> | <u>(3)</u><br><u>Latitude N</u> |
|----------------------------|----------------------------------|---------------------------------|
| 11.                        | 104° 29'.5                       | 01° 23'.9                       |
| 12.                        | 104° 53'.0                       | 01° 38'.0                       |
| 13.                        | 105° 05'.2                       | 01° 54'.4                       |
| 14.                        | 105° 01'.2                       | 02° 22'.5                       |
| 15.                        | 104° 51'.5                       | 02° 55'.2                       |
| 16.                        | 104° 46'.5                       | 03° 50'.1                       |
| 17.                        | 104° 51'.9                       | 04° 03'.0                       |
| 18.                        | 105° 28'.8                       | 05° 04'.7                       |
| 19.                        | 105° 47'.1                       | 05° 40'.6                       |
| 20.                        | 105° 49'.2                       | 06° 05'.8                       |

---

1/ ST/LEG/SER.B/19, p. 417. Entered into force on 7 November 1969.

C. In the South China Sea (Eastern side - off the coast of Sarawak):

| <u>(1)</u><br><u>Point</u> | <u>(2)</u><br><u>Longitude E</u> | <u>(3)</u><br><u>Latitude N</u> |
|----------------------------|----------------------------------|---------------------------------|
| 21.                        | 109° 38'.8                       | 02° 05'.0                       |
| 22.                        | 109° 54'.5                       | 03° 00'.0                       |
| 23.                        | 110° 02'.0                       | 04° 40'.0                       |
| 24.                        | 109° 59'.0                       | 05° 31'.2                       |
| 25.                        | 109° 38'.6                       | 06° 18'.2                       |

(2) The co-ordinates of the points specified in paragraph (1) are geographical co-ordinates and the straight lines connecting them are indicated on the chart attached as Annexure 'A' to this Agreement.

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

(4) For the purposes of paragraph (3) "competent authorities" in relation to Malaysia means the Pengarah, Pemetaan Negara, Malaysia and includes any person authorized by him and in relation to the Republic of Indonesia, the Direktur, Direktorat Hidrografi Angkatan Laut, Republik Indonesia and includes any person authorized by him.

Article II

Each Government hereby undertakes to ensure that all the necessary steps shall be taken at the domestic level to comply with the terms of this Agreement.

Article III

This Agreement shall not in any way affect any future agreement which may be entered into between the two Governments relating to the delimitation of the territorial sea boundaries between the two countries.

Article IV

If any single geological petroleum or natural gas structure extends across the straight lines referred to in article I and the part of such structure which is situated on one side of the said lines is exploitable, wholly or in part, from the other side of the said lines, the two Governments will seek to reach agreement as to the manner in which the structure shall be most effectively exploited.

Article V

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

Article VI

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

Article VII

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

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

DONE in duplicate at Kuala Lumpur the 27th day of October, 1969 in the Malaysian, Indonesian and English languages. In the event of any conflict between the texts, the English text shall prevail.

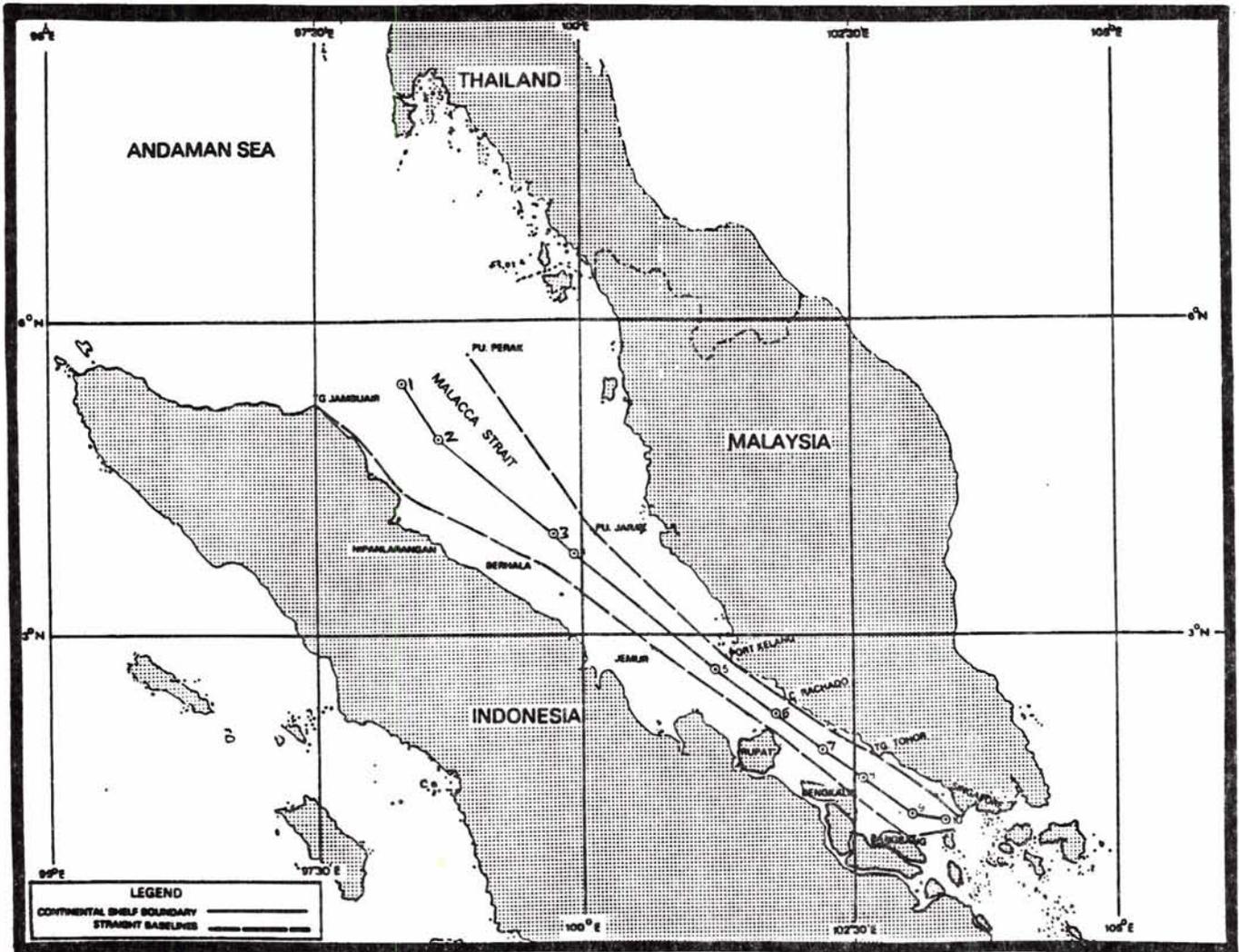


Figure 25A: Malaysia-Indonesia continental shelf boundary (Malacca Strait)



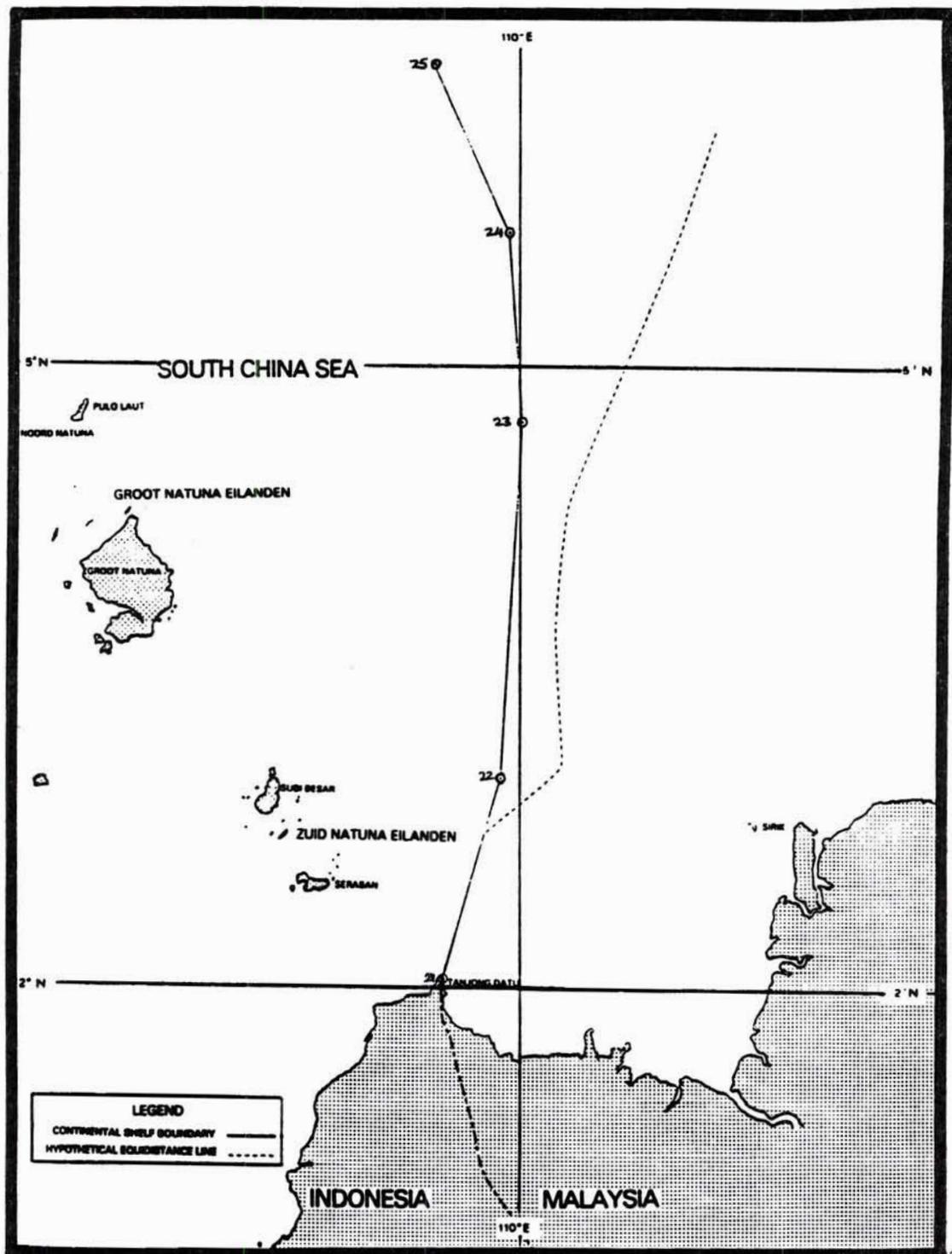


Figure 25C: Malaysia-Indonesia continental shelf boundary (South China Sea)

(b) Treaty between the Republic of Indonesia and Malaysia on determination of boundary lines of territorial waters of the two nations at the Strait of Malacca, 17 March 1970 <sup>1/</sup>

[Original: English, Indonesian and Malaysian]

The Republic of Indonesia and Malaysia,

OBSERVING that coast-lines of the two countries confront each other at the Strait of Malacca and the width of the territorial waters of the respective countries is 12 nautical miles.

DESIROUS to fortify the friendly tie which has long bound the two countries;

DESIROUS ALSO to determine the boundary lines of territorial waters of the two countries at the narrow part of the Strait of Malacca, bounded:

- (a) In the North by the line which connects Tandjung Thu, Latitude 02°51.1' N, Longitude 101°16.9'E to Point 1, Lat. 02°51.6'N, Long. 101°00.2'E to Batu mandi Isle Lat. 02°52.2'N. Long. 100°41.0'E and
- (b) In the South by the line which connects Tandjung Piai, Lat. 01°16.2'N, Long. 103°30.5'E to Point No. 8, Lat. 01°15.0'N, Lat. 103°22.8'E to Iju Ketjil Isle, Lat. 01°11.2'N, Long. 103°21.0'E and Tandjung Kedabu, Lat. 01°05.9'N, Long. 102°58.5'E.

HAVE APPROVED AS FOLLOWS:

Article I

(1) Without curtailment of provision in Section (2) of this article, boundary lines of territorial waters of Indonesia and Malaysia at the Strait of Malacca in areas as stated in the preamble of this Treaty shall be the line at the center drawn from baselines of the respective parties in said areas.

(2) (a) Except that which is stated in sub b, Section (2) of this article, co-ordinates of points of said boundary lines shall be as follows:

|         |      |        |     |        |
|---------|------|--------|-----|--------|
| Point 1 | 101° | 00.2'E | 02° | 51.6'N |
| Point 2 | 101° | 12.1'E | 02° | 41.5'N |
| Point 3 | 101° | 46.5'E | 02° | 15.4'N |
| Point 4 | 102° | 13.4'E | 01° | 55.2'N |
| Point 5 | 102° | 35.0'E | 01° | 41.2'N |
| Point 6 | 103° | 02.1'E | 01° | 19.1'N |
| Point 7 | 103° | 03.9'E | 01° | 19.5'N |
| Point 8 | 103° | 22.8'E | 01° | 15.0'N |

- (b) Point 6 shall not apply to Malaysia.

---

<sup>1/</sup> Source: Limits in the Seas, No. 50 (Office of the Geographer, Bureau of Intelligence and Research of the United States Department of State). Entered into force on 10 March 1971.

(3) Co-ordinates of points stipulated in Section (2) shall be geographical co-ordinates and boundary lines which connect them as shown on the map attached to this Treaty as Attachment "A".

(4) Actual sites of points stated above shall be determined through means jointly approved by authorized officials of both parties.

(5) What are referred to by "authorized officials" stated in Section (4) shall be for Indonesia the Director of Naval Hydrography of the Republic of Indonesia, including every person so authorized, and for Malaysia, the Director of Mapping of the State of Malaysia, including every person so authorized.

#### Article II

The respective parties herewith shall promise assurances that every necessary measure shall be taken in their countries to comply to provisions inserted in this Treaty.

#### Article III

Any dispute which may arise between the two parties from interpretation or implementation of this Treaty shall be settled amicably via consultation or negotiation.

#### Article IV

This Treaty shall be legitimate in accordance with the constitutional procedure of the respective countries.

#### Article V

This Treaty shall be effective as of the date of exchange of Charters of Legalization.

DONE in duplicate in Kuala Lumpur on 17 March 1970 in the Indonesian, Malaysian and English languages. In case of differences of interpretations between the drafts, the English Draft shall be decisive.

- (c) Treaty between Malaysia and the Republic of Indonesia relating to the legal regime of archipelagic State and the rights of Malaysia in the territorial sea and archipelagic waters as well as in the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia, 25 February 1982 <sup>1/</sup>

Malaysia and the Republic of Indonesia (hereinafter referred to as the "Contracting Parties"),

CONSIDERING the policy of the Government of Malaysia to support the legal regime of archipelagic State of the Government of the Republic of Indonesia,

NOTING that the application of such legal regime by the Government of the Republic of Indonesia would seriously affect existing rights and other legitimate interests traditionally exercised by Malaysia,

CONSIDERING the policy of the Government of the Republic of Indonesia to recognize and respect the existing rights and other legitimate interests traditionally exercised by Malaysia in the territorial sea and archipelagic waters as well as in the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia,

BEARING IN MIND the development of the Law of the Sea relating to the legal regime of archipelagic State,

NOTING that part of the archipelagic waters of the Republic of Indonesia lies between East and West Malaysia and desirous of concluding a bilateral agreement to stipulate and regulate Malaysia's traditional rights and interests therein as envisaged by the Draft Convention on the Law of the Sea prepared by the Third United Nations Conference on the Law of the Sea,

CONVINCED of the need of establishing a just and equitable solution to the problems arising from the application of the legal regime of archipelagic State,

DETERMINED to conclude a bilateral treaty pursuant to the Memorandum of Understanding concluded on 27 July 1976 for the purpose of elaborating the terms of the said Memorandum of Understanding,

AWARE of the existing close co-operation and co-ordination between the two countries based on good-neighbourly policy and The ASEAN Treaty of Amity and Co-operation in South-East Asia of 1976,

DESIRING to promote further such co-operation and co-ordination,

---

<sup>1/</sup> Transmitted to the United Nations Secretariat by the Permanent Mission of Malaysia to the United Nations in a letter dated 7 December 1990. Entered into force on 25 May 1984.

HAVE AGREED AS FOLLOWS:

PART I. GENERAL

Article 1  
Definitions

For the purposes of this Treaty:

1. "archipelagic waters of the Republic of Indonesia" means all the waters enclosed by archipelagic baselines drawn in accordance with the laws and regulations of the Republic of Indonesia and in conformity with international law;
2. "territorial sea of the Republic of Indonesia" means a belt of sea adjacent to archipelagic baselines drawn in accordance with the laws and regulations of the Republic of Indonesia and in conformity with international law, the breadth of which is twelve nautical miles measured from such baselines;
3. "government ships" means vessels owned or used by the Government of Malaysia, including naval ships, that are operated for official and non-commercial purposes;
4. "merchant ships" means vessels registered or licensed in accordance with the laws and regulations in force in Malaysia that are operated for commercial purposes, including foreign merchant vessels;
5. "State aircraft" means aircraft owned or used by the Government of Malaysia, including aircraft used in military, customs and police services and other aircraft used for official or non-commercial purposes;
6. "civil aircraft" means all aircraft, other than State aircraft, registered or licensed in accordance with the laws and regulations in force in Malaysia;
7. "traditional fishing" means fishing by Malaysian traditional fishermen using traditional methods in the traditional areas within the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia prior to the application of Indonesia's Archipelagic State Legal Regime;
8. "traditional fishermen" means Malaysian fishermen who, as their basic means of livelihood, are engaged directly in traditional fishing in the designated Fishing Area referred to in paragraph 2(e) of article 2 of this Treaty;
9. "traditional fishing boat" means any boat owned and used by Malaysian traditional fishermen specifically for traditional fishing in the designated Fishing Area referred to in paragraph 2(e) of article 2 of this Treaty;
10. "fishing vessel" means any vessel, other than traditional fishing boat, owned and used by Malaysian fishermen;
11. "foreign fishing vessel" means any foreign fishing vessel on joint venture with Malaysian nationals or under any other arrangements with the Government of Malaysia.

Article 2

Recognition of the legal regime of the archipelagic State of the Republic of Indonesia and the rights and legitimate interests of Malaysia

1. Malaysia shall recognize and respect the legal regime of the archipelagic State applied by the Republic of Indonesia in accordance with the laws and regulations of the Republic of Indonesia and in conformity with international law under which the Republic of Indonesia has sovereignty over the territorial sea and archipelagic waters and the seabed and subsoil thereof and the resources contained therein as well as the airspace above them.
2. Notwithstanding the provisions of paragraph 1 of this article and subject to the provisions of this Treaty, the Republic of Indonesia shall continue to respect existing rights and other legitimate interests which Malaysia has traditionally exercised in the territorial sea and archipelagic waters as well as in the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia, consisting of the following:
  - (a) the right of access and communication of government ships through the designated Corridors that are defined by a series of continuous axis lines, in the Map attached to this Treaty as Annex I (hereinafter referred to as "the Corridors"), i.e.
    - (i) Corridor I as defined by Axis I;
    - (ii) Corridor II as defined by Axis II;
  - (b) the right of access and communication of merchant ships and fishing vessels, including foreign fishing vessels, through the Corridors;
  - (c) the right of access and communication of State aircraft;
  - (d) the right of access and communication of civil aircraft;
  - (e) the traditional fishing right of Malaysian traditional fishermen in the designated area as delineated in the Map attached to this Treaty as Annex II (hereinafter referred to as the "Fishing Area");
  - (f) the legitimate interest relating to the existence, protection, inspection, maintenance, repair and replacement of submarine cables and pipelines which are already in position and the laying of other submarine cables and pipelines in the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia and the seabed and subsoil thereof;
  - (g) the legitimate interest in the promotion and maintenance of law and order through cooperation with the appropriate authorities of the Government of the Republic of Indonesia in the territorial sea and archipelagic waters of the Republic of Indonesia and in the territorial sea of Malaysia lying between East and West Malaysia;

- (h) the legitimate interest to undertake search and rescue operations, through coordination and cooperation with the appropriate authorities of the Republic of Indonesia, in the territorial sea and archipelagic waters as well as in the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia; and
- (i) the legitimate interest to cooperate with the appropriate authorities of the Government of the Republic of Indonesia in the conduct of marine scientific research in the territorial sea and archipelagic waters of the Republic of Indonesia and in the territorial sea of Malaysia lying between East and West Malaysia for purposes directly connected with measures to protect and preserve the marine environment.

### Article 3

#### Duties of Malaysia and the Republic of Indonesia

1. In exercising the rights and promoting the legitimate interests in accordance with the provisions of this Treaty, Malaysia shall:
  - (a) refrain from any threat or use of force against the sovereignty, territorial integrity, political independence and the security of the Republic of Indonesia, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
  - (b) take the necessary measures to prevent, reduce and control pollution of the marine environment from any source;
  - (c) comply with the laws and regulations of the Republic of Indonesia not inconsistent with the provisions of this Treaty.
2. Subject to the provisions of this Treaty, the right of access and communication exercisable by Malaysia under this Treaty shall not be suspended or hampered.

## PART II. GOVERNMENT AND MERCHANT SHIPS

### Article 4

#### Government ships

1. The right of access and communication exercisable by naval ships under article 2 shall, in connection with such access and communication, consist of the following:
  - (a) the right of continuous, expeditious and unobstructed navigation through the Corridors;
  - (b) the right to conduct naval manoeuvres, including tactical exercises, whilst proceeding through the Corridors, provided that in the course of tactical exercise no firing of weapons is permitted.
2. Without prejudice to the provisions of paragraph 1 of this article, Malaysia and the Republic of Indonesia shall hold consultations with the view to concluding such arrangements as may be appropriate regarding naval manoeuvres.

3. The right of access and communication exercisable by government ships, other than naval ships, under article 2 shall, in connection with such access and communication, be the right of continuous, expeditious and unobstructed navigation through the Corridors.

4. Subject to the provisions of this Treaty the right of continuous, expeditious and unobstructed access and communication of government ships provided for in the Treaty shall not include any other activity not having a direct bearing on such access and communication.

Article 5  
Merchant ships

1. The right of access and communication exercisable by merchant ships under article 2 shall, in connection with such access and communication, be the right of continuous, expeditious and unobstructed navigation through the Corridors for the purpose of proceeding to the destined ports in Malaysia or to the high seas.

2. Subject to the provisions of this Treaty, foreign merchant ships that are engaged in trading with East and West Malaysia, may exercise the right of continuous, expeditious and unobstructed access and communication through the Corridors solely for the purpose of direct passage between East and West Malaysia.

3. Subject to the provisions of this Treaty, fishing vessels including foreign fishing vessels may exercise the right of continuous, expeditious and unobstructed access and communication through the Corridors solely for the purpose of direct passage between East and West Malaysia.

4. Subject to the provisions of this Treaty, the right of continuous, expeditious and unobstructed access and communication of merchant ships provided for in this Treaty shall not include any other activity not having a direct bearing on such access and communication.

Article 6  
Stopping and anchoring of ships

The right of continuous, expeditious and unobstructed access and communication under this Treaty shall, in respect of government and merchant ships, include stopping and anchoring but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 7  
Permissible deviations from the axis lines

Malaysian Government ships, merchant ships, fishing vessels and traditional fishing boats exercising the right of continuous, expeditious and unobstructed access and communication through the Corridors shall not deviate more than 10 nautical miles to either side of the axis lines during passage, provided that they shall not navigate closer to the coasts than 3 nautical miles.

PART III. STATE AND CIVIL AIRCRAFT

Article 8  
State aircraft

1. The right of access and communication exercisable by State aircraft under article 2 shall, in connection with such access and communication, consist of the following:

- (a) the right of continuous, expeditious and unobstructed overflight through the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia;
- (b) the right of military aircraft to conduct aerial manoeuvres, including tactical exercises, through the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia, provided that in the course of tactical exercises no firing of weapons is permitted.

2. Without prejudice to the provisions of paragraph 1 of this article, and for the purposes of that paragraph, Malaysia and the Republic of Indonesia shall hold consultations with the view to concluding such arrangements as may be appropriate regarding overflight and aerial manoeuvres.

Article 9  
Civil aircraft

1. The right of access and communication exercisable by civil aircraft under article 2 shall, in connection with such access and communication, consist of the right of continuous, expeditious and unobstructed overflight in accordance with existing international rules and regulations through the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia.

2. Malaysia shall have the right to use existing established air routes, through the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia.

3. The right of continuous, expeditious and unobstructed access and communication of civil aircraft provided for in this Treaty shall not include any other activity not having direct bearing on such access and communication.

Article 10  
Landing of aircraft

The right of continuous, expeditious and unobstructed access and communication under this Treaty shall, in respect of State and civil aircraft, include the right to land in the territory of the Republic of Indonesia in so far as the same is rendered necessary by force majeure or distress.

Article 11

Air traffic services and communication services

Air traffic services and communication services of any aircraft of any State in the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia shall be provided by the Republic of Indonesia or may be provided by delegation of responsibilities for the provision of such services in accordance with the relevant legal instruments of the International Civil Aviation Organization.

PART IV. SAFETY OF NAVIGATION AND OVERFLIGHT

Article 12

Observance of regulations, procedures and practices

1. Ships exercising the right of continuous, expeditious and unobstructed access and communication in accordance with the provisions of this Treaty shall:
  - (a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea;
  - (b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.
2. Without prejudice to the provisions of this Treaty:
  - (a) civil aircraft exercising the right of continuous, expeditious and unobstructed access and communication in accordance with the provisions of this Treaty will at all times operate with due regard for safety of over-flight and for this purpose shall comply with the laws and regulations of the Republic of Indonesia in conformity with generally accepted international rules and regulations and the relevant international rules and regulations, as they apply to civil aircraft; and
  - (b) State aircraft exercising the right of continuous, expeditious and unobstructed access and communication in accordance with the provisions of this Treaty will at all times operate with due regard for safety of air navigation.
3. Civil aircraft exercising the right of continuous, expeditious and unobstructed access and communication in accordance with the provisions of this Treaty shall at all times maintain radio communication with the appropriate air traffic control authority.
4. Malaysia and the Republic of Indonesia shall hold consultations with the view to adopting such measures as may be necessary to ensure safety of navigation in the territorial sea and archipelagic waters and the safety of air navigation in the airspace above the territorial sea, archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia.

PART V. TRADITIONAL FISHING

Article 13  
General provisions

1. For the purpose of paragraph 2(e) of article 2, the Republic of Indonesia shall allow Malaysia to:
  - (a) continue the exercise of traditional fishing right of Malaysian traditional fishermen in the Fishing Area;
  - (b) exercise the right of innocent passage in accordance with international law which shall not be hampered for Malaysian traditional fishing boats in the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia, including such right of innocent passage from base stations to the Fishing Area and vice versa.
2. Malaysia shall take the necessary measures to ensure that the traditional fishing activities in accordance with the provisions of this Treaty shall not:
  - (a) be detrimental to the existing fishing activities of the Indonesian fishermen in the Fishing Area;
  - (b) infringe or result in interference with the exploration and exploitation of the mineral resources of the seabed conducted by or on behalf of the Government of Indonesia in accordance with the laws and regulations of the Republic of Indonesia and with international law.

Article 14  
Fisheries arrangements

1. Without prejudice to the provisions of paragraph 1 of article 13 and for the purposes of paragraph 2(e) of article 2, the Republic of Indonesia and Malaysia shall enter into arrangements in respect of the following matters:
  - (a) the proper and rational exercise of the traditional fishing right of Malaysian traditional fishermen in the Fishing Area;
  - (b) the inadvertent transgression in the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia made by traditional fishing boats of Malaysia; and
  - (c) the utilization of certain Indonesian islands for temporary shelter of Malaysian traditional fishing boats and Malaysian traditional fishermen in distress and for supplies of Malaysian traditional fishing boats in times of emergency.

PART VI. SUBMARINE CABLES AND PIPELINES

Article 15

Right to lay and maintain submarine cables and pipelines

1. Without prejudice to the provisions of any Convention relating to the existence, protection, maintenance, repair and replacement of submarine cables or pipelines in the territorial sea or in archipelagic waters, and in accordance with paragraph 2(f) of article 2, Malaysia shall be permitted either by itself or its nationals or jointly with nationals, corporations or Governments of third States with whom the Government of Malaysia had concluded agreements for such purposes, upon giving due notice, to undertake the following:

- (a) to conduct cables or pipelines route survey for purposes of laying of submarine cables or pipelines other than submarine cables and pipelines that are already in position;
- (b) to lay submarine cables or pipelines other than submarine cables and pipelines already in position through the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia; and
- (c) the right of expeditious and unobstructed access to submarine cables or pipelines for purposes of inspection, protection, maintenance, repair and replacement.

2. For the purposes of paragraph 1(a) of this article due notice shall be given to the appropriate authorities of the Republic of Indonesia in not less than sixty days before activities under the said paragraph commence. Such notice shall be deemed to have been given when the Republic of Indonesia has acknowledged receipt of such notice through the diplomatic channel, provided that such acknowledgement shall be made within thirty days from the date of such notice.

3. For the purposes of paragraph 1(b) of this article:

- (a) due notice shall be given to the appropriate authorities of the Republic of Indonesia in not less than six months before activities under that paragraph commence;
- (b) such notice shall be deemed to have been given when the Republic of Indonesia has acknowledged receipt of the notice through the diplomatic channel, provided that such acknowledgement shall be made within a period of thirty days from the date of such notice;
- (c) the appropriate authorities of Malaysia shall hold consultations with the appropriate authorities of the Republic of Indonesia regarding the location of the submarine cables and pipelines to be laid before such notice is given and such consultations shall be held within a reasonable time.

4. For the purpose of paragraph 1(c) of this article, the term "due notice" shall be deemed to have been given when the Republic of Indonesia has been duly notified through the diplomatic channel.

Article 16

Protection of submarine cables and pipelines

1. In exercising her rights on the basis of her sovereignty with respect to the exploration and exploitation of the natural resources in the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia and the seabed and subsoil thereof, the Republic of Indonesia shall respect the right of Malaysia to lay, maintain, protect, inspect, repair and replace submarine cables and pipelines.
2. The Republic of Indonesia shall adopt such measures as may be necessary, including legislative measures, for the protection of submarine cables and pipelines of Malaysia in the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia and the seabed and subsoil thereof.
3. For the purposes of the protection of submarine cables and pipelines referred to in this Part there shall be established safety zones which shall be determined by taking into account international law and practices.

Article 17

Duties of Malaysia relating to submarine cables and pipelines

1. The Government of Malaysia shall ensure that the laying of submarine cables and pipelines provided for in paragraph 2(f) of article 2 and article 15 of the Treaty does not infringe, or result in interference with, the exploration and exploitation of the mineral resources of the seabed of the territorial sea and archipelagic waters of the Republic of Indonesia lying between East and West Malaysia conducted by or on behalf of the Government of the Republic of Indonesia in accordance with the laws and regulations of the Republic of Indonesia and with international law.
2. The Government of Malaysia shall take the necessary measures to prevent, reduce and control pollution from submarine cables and pipelines.

PART VII. LAW AND ORDER

Article 18

Promotion and maintenance of law and order

For the purposes of paragraph 2(g) of article 2 of this Treaty, the Contracting Parties shall, through bilateral arrangements to be agreed upon, cooperate in the promotion and maintenance of law and order in the territorial sea and archipelagic waters of the Republic of Indonesia and in the territorial sea of Malaysia lying between East and West Malaysia.

PART VIII. SEARCH AND RESCUE

Article 19

Coordination and cooperation in search and rescue

1. For the purposes of paragraph 2(h) of article 2 of this Treaty, Malaysia and the Republic of Indonesia shall coordinate and cooperate through consultations for the purposes of enabling Malaysia to undertake search and rescue operations in the territorial sea and archipelagic waters of the Republic of Indonesia and in the airspace above the territorial sea,

archipelagic waters and the territory of the Republic of Indonesia lying between East and West Malaysia for any Malaysian Government ships, merchant ships, fishing vessels, traditional fishing boats, foreign fishing vessels referred to in article 1, Malaysian State aircraft, civil aircraft, and for the crew, passengers and cargo of such ships, vessels, boats or aircraft.

2. Coordination and cooperation provided for in paragraph 1 in this article shall be based on bilateral arrangements and multilateral agreements whether global or regional.

#### PART IX. MARINE SCIENTIFIC RESEARCH

##### Article 20

##### Cooperation in scientific research

For the purposes of paragraph 2(i) of article 2 of this Treaty, a Contracting Party may, upon the request of the other, and through bilateral arrangements to be agreed upon, co-operate in respect of marine scientific research in the territorial sea and archipelagic waters of the Republic of Indonesia and in the territorial sea of Malaysia lying between East and West Malaysia.

#### PART X. INTERNATIONAL RESPONSIBILITY AND LIABILITY

##### Article 21

##### International responsibility and liability

1. Each Contracting Party shall bear international responsibility for any act or omission which is contrary to this Treaty or international law resulting in any loss or damage to the other Contracting Party, and shall be liable in accordance with international law.

2. Malaysia shall bear international responsibility for any loss or damage suffered by the Republic of Indonesia which is caused by a Malaysian ship or aircraft entitled to sovereign immunity acting in a manner contrary to the provisions of this Treaty or the laws and regulations of the Republic of Indonesia which are in conformity with international law, or with international law.

#### PART XI. GENERAL PROVISIONS

##### Article 22

##### Non-transference of rights to a third party

Subject to the provisions of this Treaty, Malaysia shall not take any action which has the effect of transferring any of the rights and other legitimate interests provided for in this Treaty to a third party.

##### Article 23

##### Consultations

Both Contracting Parties shall, at the request of either Contracting Party, hold consultations relating to the application and implementation of this Treaty.

Article 24  
Settlement of disputes

If a dispute arises between the Contracting Parties relating to the interpretation or application of this Treaty, the Contracting Parties shall proceed expeditiously to exchange views regarding settlement of the dispute through negotiations or other peaceful means as prescribed in Chapter IV of the Treaty of Amity and Cooperation in South East Asia of 1976.

PART XII. FINAL CLAUSES

Article 25  
Final clauses

1. This Treaty shall be subject to ratification in accordance with the constitutional requirements of each Contracting Party.
2. This Treaty shall enter into force upon the date of the exchange of instruments of ratification.
3. This Treaty, upon entering into force, shall be registered pursuant to Article 102 of the Charter of the United Nations.
4. IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.
5. DONE at Jakarta on 25 February 1982 in triplicate in the Bahasa Malaysia, Bahasa Indonesia and the English language. In case of any divergence in interpretation, the English text shall prevail.

Thailand/Indonesia

- (a) Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of a continental shelf boundary between the two countries in the northern part of the Straits of Malacca and in the Andaman Sea, 17 December 1971 1/

[Original: English, Indonesian and Thai]

The Government of the Kingdom of Thailand and the Government of the Republic of Indonesia,

DESIRING to strengthen the existing bonds of friendship between the two countries, and

DESIRING to establish continental shelf boundaries between the two countries in the northern part of the Straits of Malacca and in the Andaman Sea,

HAVE AGREED AS FOLLOWS:

Article I

- 1). The boundary between the continental shelves of Thailand and Indonesia in the northern part of the Straits of Malacca and in the Andaman Sea is the straight line drawn from a point whose co-ordinates are Latitude 6° 21'.8 N Longitude 97° 54'.0 E (hereinafter referred to as point 1) in a westerly direction to a point whose co-ordinates are Latitude 7° 05'.8 N Longitude 96° 36'.5 E (hereinafter referred to as point 2).
- 2). The boundary line between point 1 and the Common Point specified in the Memorandum of Understanding signed at Bangkok on 15 October 1970 by the representatives of Indonesia, Malaysia and Thailand shall be formally included in a tripartite agreement to be concluded shortly among the three Governments.
- 3). The co-ordinates of the points specified in paragraph 1), which are geographical co-ordinates, and the straight line connecting them are indicated on the chart attached as an Annex to this Agreement.
- 4). The actual location of the above-mentioned points at sea shall, at the request of either Government, be determined by a method to be mutually agreed upon by the competent authorities of the two Governments.
- 5). For the purpose of paragraph 4), the term "competent authorities" in relation to the Kingdom of Thailand refers to Chao Krom Uthoksat (Director of the Hydrographic Department) and includes any person authorized by him; and in relation to the Republic of Indonesia refers to Ketua Badan Koordinasi Survey dan Pemetaan Nasional (Chief of the Co-ordinating Body for National Survey and Mapping) and includes any person authorized by him.

---

1/ English text provided by the Permanent Representative of Thailand to the United Nations in a note verbale of 15 November 1974. Entered into force on 7 April 1973.

Article II

If any single geological petroleum or natural gas structure extends across the straight line referred to in article I and the part of such structure which is situated on one side of the said line is exploitable, wholly or in part, from the other side of the said line, the two Governments shall seek to reach agreement as to the manner in which the structure shall be most effectively exploited.

Article III

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

Article IV

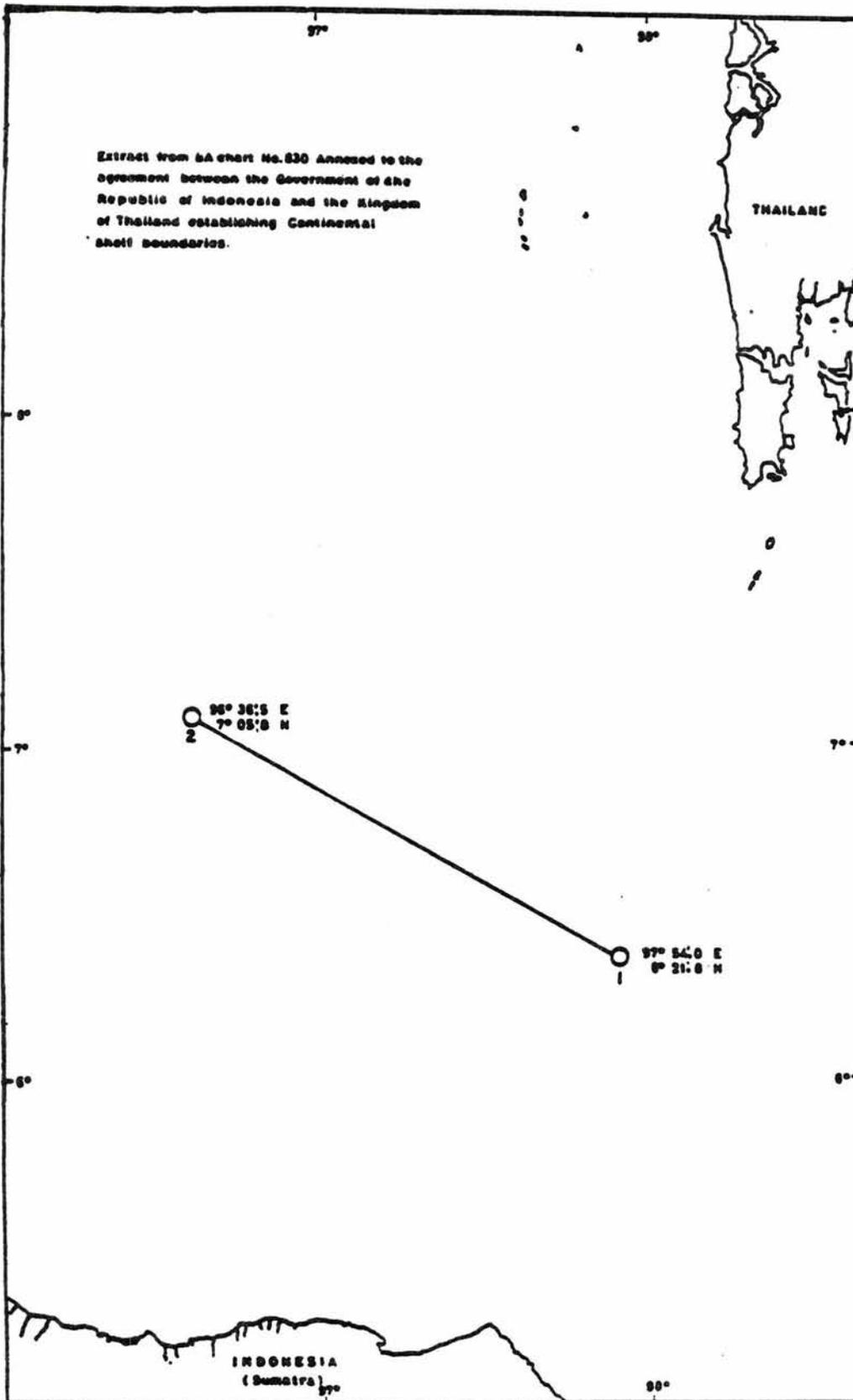
This Agreement shall be ratified in accordance with the legal requirements of the two countries.

ARTICLE V

This Agreement shall enter into force on the date of the exchange of the Instruments of Ratification.

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

DONE in duplicate at Bangkok, this seventeenth day of December, one thousand nine hundred and seventy-one, in the Thai, Indonesian and English languages. In the event of any conflict between the texts, the English text shall prevail.



- (b) Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of the seabed boundary between the two countries in the Andaman Sea, 11 December 1975 1/

[Original: English, Indonesian and Thai]

The Government of the Kingdom of Thailand and the Government of the Republic of Indonesia,

DESIRING to strengthen the existing bonds of friendship between the two countries, and

DESIRING to establish the sea-bed boundary between the two countries in the Andaman Sea,

HAVE AGREED AS FOLLOWS:

#### Article I

1) The boundary of the sea-bed area between Thailand and Indonesia in the Andaman Sea is the straight line drawn from point A (Latitude 07° 05'.8 N. Longitude 96° 36'.5 E., being the terminating point of the boundary line between the two countries as defined in the Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the Delimitation of a Continental Shelf Boundary between the Two Countries in the Northern Part of the Straits of Malacca and in the Andaman Sea, signed at Bangkok on 17 December 1971) in a north-westerly direction to a point L whose co-ordinates are Latitude 07° 46'.1 N. Longitude 95° 33'.1 E.

2) The co-ordinates of the points specified in paragraph 1) are geographical co-ordinates and the straight line connecting them is indicated on British Admiralty Chart No. 830 attached as an Annex to this Agreement.

3) The actual location of the above-mentioned points at sea shall, at the request of either Government, be determined by a method to be mutually agreed upon by the competent authorities of the two Governments.

4) For the purpose of paragraph 3), the term "competent authorities" in relation to the Kingdom of Thailand refers to Chao Krom Uthoksat (Director of the Hydrographic Department) and includes any person authorized by him; and in relation to the Republic of Indonesia refers to Ketua Badan Ko-ordinasi Survey dan Pemetaan Nasional (Chief of the Co-ordinating Body for National Survey and Mapping) and includes any person authorized by him.

---

1/ Entered into force on 18 February 1978.

Article II

If any single geological petroleum or natural gas structure extends across the boundary line referred to in article I and the part of such structure which is situated on one side of the said line is exploitable, wholly or in part, from the other side of the said line, the two Governments shall seek to reach agreement as to the manner in which that structure shall be most effectively exploited.

Article III

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

Article IV

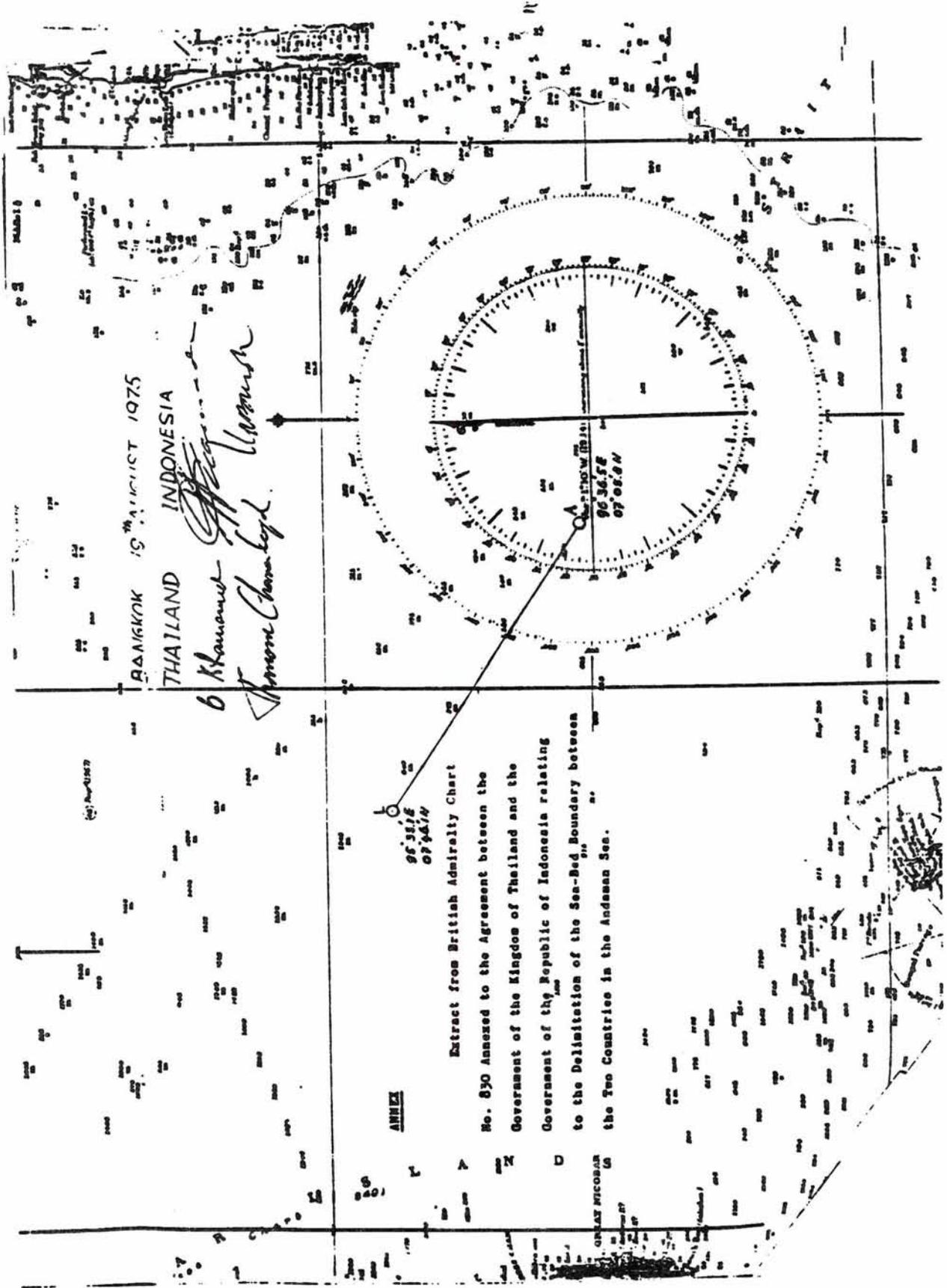
This Agreement shall be ratified in accordance with the legal requirements of the two countries.

Article V

This Agreement shall enter into force on the date of the exchange of the Instruments of Ratification.

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

DONE in duplicate at Jakarta, this eleventh day of December, one thousand nine hundred and seventy-five in the Thai, Indonesian and English languages. In the event of any conflict between the texts, the English text shall prevail.



BANGKOK 19 AUGUST 1975

THAILAND INDONESIA

6 Khamud  
Amorn Chomkijed

96°36.7E  
07°05.8N

ANNEX

Extract from British Admiralty Chart  
No. 830 Annexed to the Agreement between the  
Government of the Kingdom of Thailand and the  
Government of the Republic of Indonesia relating  
to the Delimitation of the Sea-Bed Boundary between  
the Two Countries in the Andaman Sea.

ONLAY NICOBAR

Thailand/Indonesia/Malaysia

Agreement between Thailand, Indonesia and Malaysia relating to the delimitation of the continental shelf boundaries in the northern part of the Straits of Malacca, Kuala Lumpur, 21 December 1971 1/

Article I

1. The boundaries of the continental shelves of Thailand, Indonesia and Malaysia in the northern part of the Straits of Malacca shall start from a point whose co-ordinates are latitude 5° 57'.0 N. longitude 98° 01'.5E. (hereinafter referred to as "the Common Point").

2. The boundary of the continental shelves of Thailand and Indonesia shall be formed by the straight lines drawn from the Common Point in a north-westerly direction to a point whose co-ordinates are latitude 6° 21'.8N. longitude 97° 54'.0E. and from there in a westerly direction to a point whose co-ordinates are latitude 7° 05'.8 N. longitude 96° 36'.5E. as specified in the Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of Indonesia relating to the delimitation of a continental shelf boundary between the two countries in the northern part of the Straits of Malacca and in the Andaman Sea, signed at Bangkok on the 17th day of December 1971.

3. The boundary of the continental shelves of Indonesia and Malaysia shall be formed by the straight line drawn from the Common Point in a southward direction to Point 1 specified in the Agreement signed at Kuala Lumpur on the 27th day of October, 1969, between the Government of the Republic of Indonesia and the Government of Malaysia relating to the delimitation of the continental shelves between the two countries whose co-ordinates are latitude 5° 27'.0 N. longitude 98° 17'.5 E.

4. The boundary of the continental shelves of Thailand and Malaysia shall be formed by the straight lines drawn from the Common Point in a north-easterly direction to a point whose co-ordinates are latitude 6° 18'.0 N. longitude 99° 06'.7 E. and from there in a south-easterly direction to a point whose co-ordinates are latitude 6° 16'.3 N. longitude 99° 19'.3 E. and from there in a north-easterly direction to a point whose co-ordinates are latitude 6° 18'.4 N. longitude 99° 27'.5 E.

5. The co-ordinates of the points specified above are geographical co-ordinates derived from the British Admiralty Charts No. 793 and No. 830 and the straight lines connecting them are indicated on the chart attached as Annexure A to this Agreement.

6. The actual location of the above-mentioned points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the respective Governments concerned.

---

1/ English text, which is authentic, was provided by the Permanent Representative of Thailand to the United Nations in a note verbale of 15 November 1974. Entered into force on 16 July 1972.

7. For the purposes of paragraph 6, "competent authorities" in relation to the Kingdom of Thailand means the Director of the Hydrographic Department, Thailand, and includes any person authorized by him; in relation to the Republic of Indonesia the Chief of the Co-ordinating Body for National Survey and Mapping, Republic of Indonesia, and includes any person authorized by him; and in relation to Malaysia the Director of National Mapping, Malaysia, and includes any person authorized by him.

#### Article II

Each Government hereby undertakes to ensure that all the necessary steps shall be taken at the domestic level to comply with the terms of this Agreement.

#### Article III

If any single geological petroleum or natural gas structure extends across the boundary line or lines referred to in article I and the part of such structure which is situated on one side of the said line or lines is exploitable, wholly or in part, from the other side or sides of the said line or lines, the Governments concerned shall seek to reach agreement as to the manner in which the structure shall be most effectively exploited.

#### Article IV

Any dispute between the three Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

#### Article V

This Agreement shall be ratified in accordance with the legal requirements of the three countries.

#### Article VI

This Agreement shall enter into force on the date of the exchange of the Instruments of Ratification.

Thailand/Indonesia/India

Agreement between the Government of the Kingdom of Thailand, the Government of the Republic of India and the Government of the Republic of Indonesia concerning the delimitation of the trijunction point and the delimitation of the related boundaries of the three countries in the Andaman Sea, 22 June 1978 1/

[Original: English, Hindi, Indonesian and Thai]

The Government of the Kingdom of Thailand,  
The Government of the Republic of India, and  
The Government of the Republic of Indonesia

DESIRING to strengthen the existing historical bonds of friendship among the three countries,

AND DESIRING to determine the trijunction point and to delimit the related boundaries of the three countries in the Andaman Sea,

HAVE AGREED AS FOLLOWS:

Article I

For the purposes of this article:

1. The trijunction point of Thailand, India and Indonesia in the Andaman Sea shall be a point whose co-ordinates are Latitude 07° 47' 00" North Longitude 95° 31' 48" East.

2. The boundary of the continental shelves of India and Indonesia shall be formed by a straight line drawn from the trijunction point in the south-westerly direction to point number 0 mentioned in article I of the Agreement Between the Government of the Republic of India and the Government of the Republic of Indonesia on the Extension of the 1974 Continental Shelf Boundary Between the Two Countries in the Andaman Sea and the Indian Ocean, signed at New Delhi on 14th of January 1977, the co-ordinates of which are Latitude 07° 46' 06" North, Longitude 95° 31' 12" East.

3. The sea-bed boundary of Thailand and India shall be formed by a straight line drawn from the trijunction point in the north-easterly direction to point number 1 mentioned in article 1 of the Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of India on the Delimitation of the Sea-Bed Boundary Between the Two Countries in the Andaman Sea, signed in New Delhi on the 22nd of June 1978, the co-ordinates of which are Latitude 07° 48' 00" North, Longitude 95° 32' 48" East.

4. The sea-bed boundary of Thailand and Indonesia shall be formed by a straight line drawn from the trijunction point in the south-easterly direction to point number L mentioned in article I of the Agreement between the Government of the Kingdom of Thailand and the Government of the Republic of

---

1/ Entered into force on 2 March 1979.

Indonesia relating to the Delimitation of the Sea-Bed Boundary between the Two Countries in the Andaman Sea, signed at Jakarta on the 11th of December, 1975, the co-ordinates of which are Latitude 07° 46'.1 North, Longitude 95° 33'.1 East.

5. The co-ordinates of the points specified above are geographical co-ordinates derived from the British Admiralty Chart No. 830, published on 3rd of January 1975, and the straight lines connecting them are indicated on the Chart attached as Annexure A to this Agreement.

6. The actual location of the above-mentioned points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the three respective Governments concerned.

7. For the purposes of paragraph 6, "competent authorities" in relation to the Kingdom of Thailand shall be the Director of the Hydrographic Department, Thailand, and includes any person authorized by him; in relation to the Republic of India means the Chief Hydrographer to the Government of India, and includes any person authorized by him; and in relation to the Republic of Indonesia shall be the Chief of the Co-ordinating Body for National Survey and Mapping, Republic of Indonesia, and includes any person authorized by him.

#### Article II

The Government of the Kingdom of Thailand, the Government of the Republic of India and the Government of Indonesia recognize and acknowledge the sovereign rights of the respective Governments over the sea-bed, including the subsoil thereof, within the limits established by this Agreement.

#### Article III

If any single geological petroleum or natural gas structure or field, or other mineral deposit of whatever character, extends across the boundary lines referred to in article I, the three Governments shall communicate to one another all information in this regard and shall seek to reach agreement as to the manner in which the structure, field or deposit will be most effectively exploited and the benefits arising from such exploitation will be equitably shared.

#### Article IV

Any dispute between the three Governments relating to the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

#### Article V

This Agreement shall be ratified in accordance with the constitutional requirements of each country. It shall enter into force on the date of the exchange of the Instruments of Ratification which will take place at Bangkok as soon as possible.

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

DONE in triplicate at New Delhi on the Twenty-Second day of June, One Thousand Nine Hundred and Seventy-Eight, in the Thai, Hindi, Indonesian and English Languages. In the event of any conflict between the texts, the English text shall prevail.

Australia/Indonesia

- (a) Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain seabed boundaries, 18 May 1971 <sup>1/</sup>

[Original: English and Indonesian]

The Government of the Commonwealth of Australia and the Government of the Republic of Indonesia,

Desiring to strengthen the bonds of friendship between the two countries;  
and

Desiring particularly to cooperate in delimiting by agreement the boundaries of certain areas of seabed in which the two countries respectively exercise sovereign rights for the exploration and exploitation of the natural resources,

Have agreed as follows:

Article 1. In the Arafura Sea eastwards of Longitude 133° 23' East, the boundary between the area of seabed that is adjacent to and appertains to the Commonwealth of Australia and the area that is adjacent to and appertains to the Republic of Indonesia shall be the straight lines shown on chart A annexed to this Agreement, commencing at the point of Latitude 9° 52' South, Longitude 140° 29' East (Point A 1), and thence connecting the points specified hereunder in the sequence so specified:

- |       |  |
|-------|--|
| A 2.  | The point of Latitude 10° 24' South, Longitude 139° 46' East |
| A 3.  | The point of Latitude 10° 50' South, Longitude 139° 12' East |
| A 4.  | The point of Latitude 10° 24' South, longitude 138° 38' East |
| A 5.  | The point of Latitude 10° 22' South, Longitude 138° 35' East |
| A 6.  | The point of Latitude 10° 09' South, Longitude 138° 13' East |
| A 7.  | The point of Latitude 9° 57' South, Longitude 137° 45' East  |
| A 8.  | The point of Latitude 9° 08' South, Longitude 135° 29' East  |
| A 9.  | The point of Latitude 9° 17' South, Longitude 135° 13' East  |
| A 10. | The point of Latitude 9° 22' South, Longitude 135° 03' East  |
| A 11. | The point of Latitude 9° 25' South, Longitude 134° 50' East  |
| A 12. | The point of Latitude 8° 53' South, Longitude 133° 23' East  |

Article 2. The two Governments have not provided in this Agreement for the delimitation of the respective areas of adjacent seabed westward of Longitude 133° 23' East, and have left this question for discussion at further talks to be held at a mutually convenient date.

Article 3. (1) Off the southern coast of the island of New Guinea (Irian) westwards of Longitude 140° 49' 30" East, the boundary between the area of seabed that is adjacent to and appertains to the Territory of Papua and the area that is adjacent to and appertains to the Republic of Indonesia shall be the straight line shown on chart A annexed to this Agreement, connecting the point of Latitude 9° 24' 30" South, Longitude 140° 49' 30" East (Point B 1) with the point of Latitude 9° 52' South, Longitude 140° 29' East (Point A 1).

---

<sup>1/</sup> Entered into force on 8 November 1973.

(2) The two Governments have not provided in this Agreement for the drawing of a boundary line between the point B 1 referred to in paragraph 1 of this article and the point at which the land boundary between the Territory of Papua and West Irian meets the southern coast of the island of New Guinea (Irian), and have left this question for further discussion as and when agreed.

Article 4. (1) Off the northern coast of the island of New Guinea (Irian), the boundary between the area of seabed that is adjacent to and appertains to the Trust Territory of New Guinea and the area that is adjacent to and appertains to the Republic of Indonesia shall lie along the straight line shown on chart B annexed to this Agreement, connecting the point at which the land boundary between the Trust Territory and West Irian meets the northern coast of the island of New Guinea (Irian) (Point C 1) with the point of Latitude 2° 08' 30" South, Longitude 141° 01' 30" East (Point C 2). If any lines are drawn extending this line northward, they shall be drawn on the same principle, that is to say the principle of equidistance.

(2) The lines referred to in paragraph 1 of this article are to be taken as indicating the direction in which the lateral boundary of the respective areas of seabed is agreed to lie.

3. This article shall not in any way affect any agreement that may subsequently be made between the two Governments delimiting the lateral boundary of the territorial sea as between the Trust Territory of New Guinea and the Republic of Indonesia.

Article 5. For the purpose of this Agreement, "seabed" includes the subsoil thereof, except where the context otherwise requires.

Article 6. (1) The co-ordinates of the points specified in articles 1, 3 and 4 of this Agreement are geographical co-ordinates, and the actual location of the points and of the lines joining them shall be determined by a method to be agreed upon by the competent authorities of the two Governments.

(2) For the purpose of paragraph 1 of this article the competent authorities in relation to the Commonwealth of Australia shall be the Director of National Mapping and any person acting with his authority, and in relation to the Republic of Indonesia shall be the Chief of the Co-ordinating Body for National Survey and Mapping (Ketua Badan Koordinasi Survey Dan Pemetaan Nasional) and any person acting with his authority.

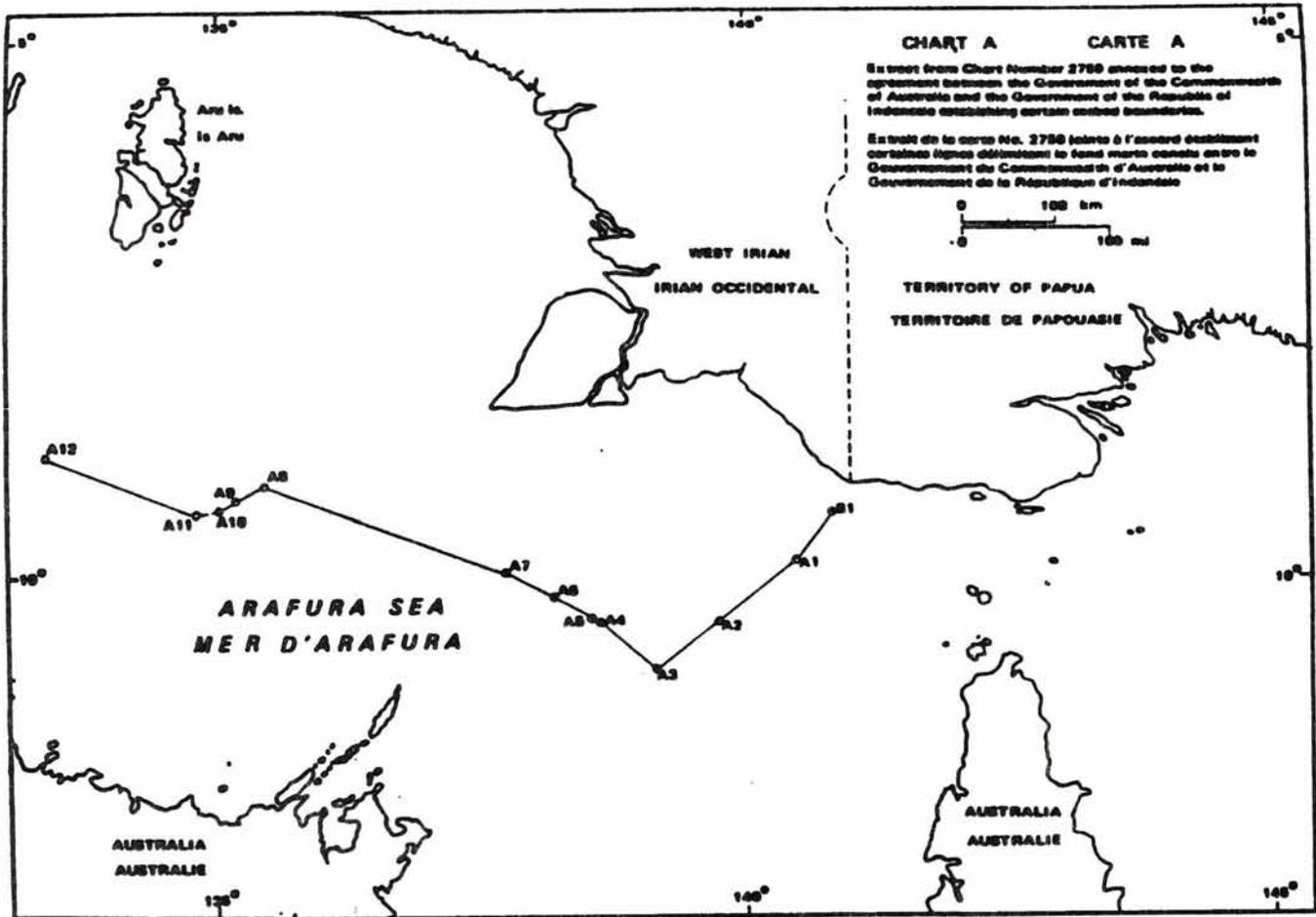
Article 7. If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across any of the lines that are specified in articles 1, 3 and 4 of this Agreement, and the part of such accumulation or deposit that is situated on one side of the line is recoverable in fluid form wholly or in part from the other side of the line, the two Governments shall seek to reach agreement on the manner in which the accumulation or deposit shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

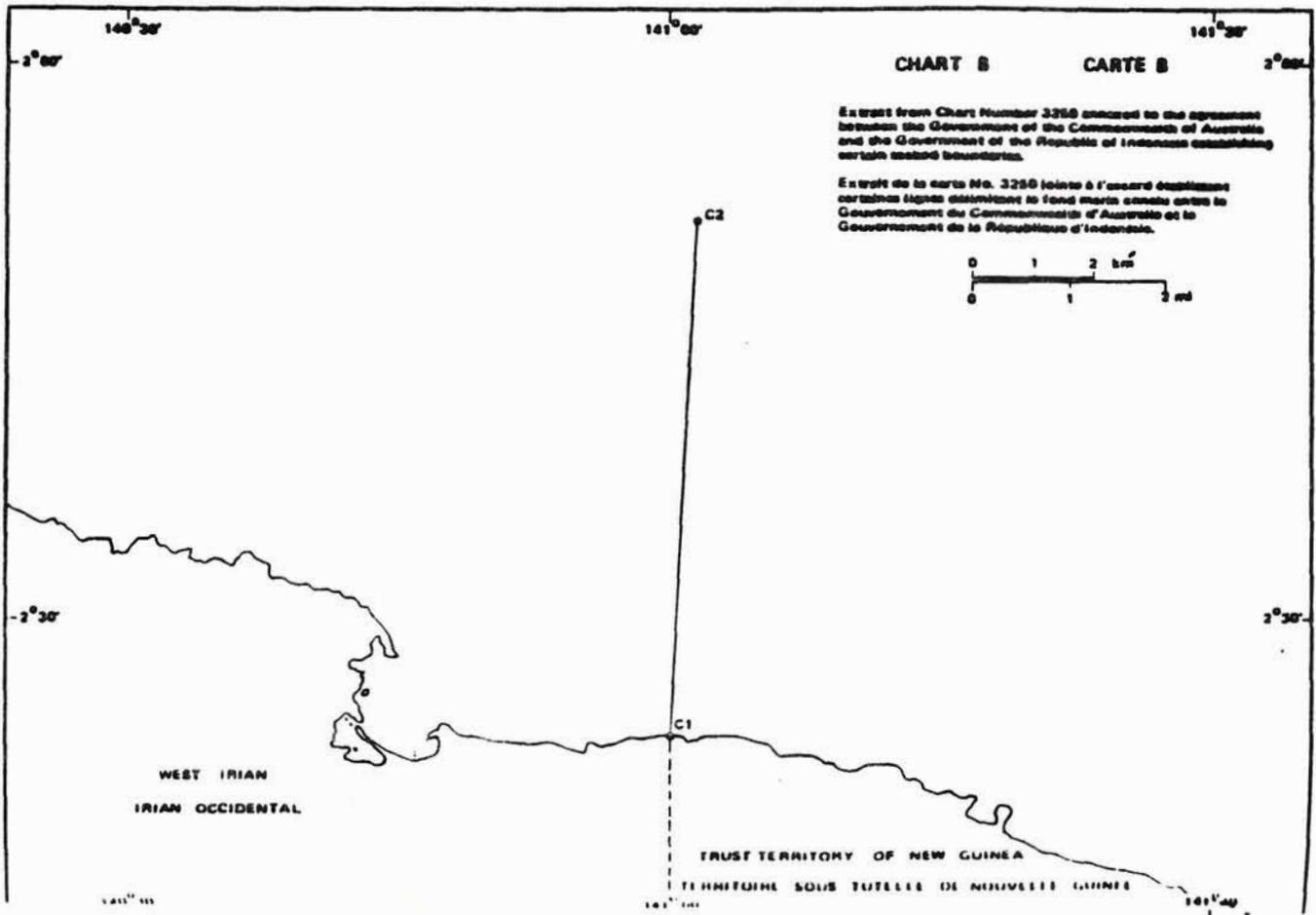
Article 8. Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

Article 9. This Agreement is subject to ratification in accordance with the constitutional requirements of each country, and shall enter into force on the day on which the Instruments of Ratification are exchanged.

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

DONE in duplicate at Canberra this 18th day of May 1971 in the English and Indonesian languages.





- (b) Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing certain seabed boundaries in the area of the Timor and Arafura seas, supplementary to the Agreement of 18 May 1971, Jakarta, 9 October 1972 <sup>1/</sup>

[Original: English and Indonesian]

The Government of the Commonwealth of Australia and the Government of the Republic of Indonesia,

Recalling the Agreement between the two Governments, signed on the eighteenth day of May One thousand nine hundred and seventy-one, establishing seabed boundaries in the Arafura Sea and in certain areas off the coasts of the island of New Guinea (Irian),

Recalling further that in the aforesaid Agreement the two Governments left for later discussion the question of the delimitation of the respective areas of adjacent seabed in the Arafura and Timor Seas westward of Longitude 133° 23' East,

Resolving, as good neighbours and in a spirit of co-operation and friendship, to settle permanently the limits of the areas referred to in the preceding paragraph within which the respective Governments shall exercise sovereign rights with respect to the exploration of the seabed and the exploitation of its natural resources,

Have agreed as follows:

Article 1. In the area to the south of the Tanimbar Islands, the boundary between the area of seabed that is adjacent to and appertains to the Commonwealth of Australia and the area of seabed that is adjacent to and appertains to the Republic of Indonesia shall be the straight lines shown on the Chart annexed to this Agreement commencing at the Point of Latitude 8° 53' South, Longitude 133° 23' (Point A 12 specified in the Agreement between the two countries dated the eighteenth day of May One thousand nine hundred and seventy-one), thence connecting in a westerly direction the points specified hereunder in the sequence so specified:

- A 13. The point of Latitude 8° 54' South, Longitude 133° 14' East
- A 14. The point of Latitude 9° 25' South, Longitude 130° 10' East
- A 15. The point of Latitude 9° 25' South, Longitude 128° 00' East
- A 16. The point of Latitude 9° 28' South, Longitude 127° 56' East

Article 2. In the area south of Roti and Timor Islands, the boundary between the area of seabed that is adjacent to and appertains to the Commonwealth of Australia and the area of seabed that is adjacent to and

---

<sup>1/</sup> Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 29 March 1973. Entered into force on 8 November 1973.

appertains to the Republic of Indonesia shall be the straight lines, shown on the Chart annexed to this Agreement, commencing at the point of Latitude 10° 28' South, Longitude 126° 00' East (Point A 17), and thence connecting in a westerly direction the points specified hereunder in the sequence so specified:

- A 18. The point of Latitude 10° 37' South, Longitude 125° 41' East
- A 19. The point of Latitude 11° 01' South, Longitude 125° 19' East
- A 20. The point of Latitude 11° 07' South, Longitude 124° 34' East
- A 21. The point of Latitude 11° 25' South, Longitude 124° 10' East
- A 22. The point of Latitude 11° 26' South, Longitude 124° 00' East
- A 23. The point of Latitude 11° 28' South, Longitude 123° 40' East
- A 24. The point of Latitude 11° 23' South, Longitude 123° 26' East
- A 25. The point of Latitude 11° 35' South, Longitude 123° 14' East

Article 3. The lines between Points A 15 and A 16 and between Points A 17 and A 18, referred to in article 1 and article 2 respectively, indicate the direction of those portions of the boundary. In the event of any further delimitation agreement or agreements being concluded between Governments exercising sovereign rights with respect to the exploration of the seabed and the exploitation of its natural resources in the area of the Timor Sea, the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia shall consult each other with a view to agreeing on such adjustment or adjustments, if any, as may be necessary in those portions of the boundary lines between Points A 15 and A 16 and between Points A 17 and A 18.

Article 4. The Government of the Commonwealth of Australia and the Government of the Republic of Indonesia mutually acknowledge the sovereign rights of the respective Governments in and over the seabed areas within the limits established by this Agreement and that they will cease to claim or to exercise sovereign rights with respect to the exploration of the seabed and the exploitation of its natural resources beyond the boundaries so established.

Article 5. For the purpose of this Agreement, "seabed" includes the subsoil thereof, except where the context otherwise requires.

Article 6. 1. The co-ordinates of the points specified in articles 1 and 2 of this Agreement are geographical co-ordinates, and the actual location of these points and of the lines joining them shall be determined by a method to be agreed upon by the competent authorities of the two Governments.

2. For the purpose of paragraph 1 of this article, the competent authorities in relation to the Commonwealth of Australia shall be the Director of National Mapping and any person acting with his authority, and in relation to the Republic of Indonesia shall be the Chief of the Co-ordinating Body for National Survey and Mapping (Ketua Badan Koordinasi Survey Dan Pemetaan Nasional) and any person acting with his authority.

Article 7. If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across any of the lines that are specified or described in articles 1 and 2 of this

Agreement, and the part of such accumulation or deposit that is situated on one side of the line is recoverable in fluid form wholly or in part from the other side of the line, the two Governments will seek to reach agreement on the manner in which the accumulation or deposit shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

Article 8. 1. Where the Government of the Commonwealth of Australia has granted an exploration permit for petroleum or a production licence for petroleum under the Petroleum (Submerged Lands) Acts of the Commonwealth of Australia over a part of the seabed over which that Government ceases to exercise sovereign rights by virtue of this Agreement, and that permit or licence is in force immediately prior to the entry into force of this Agreement, the Government of Indonesia or its authorised agent shall, upon application by the registered holder of the permit or licence, or where there is more than one registered holder, by the registered holders acting jointly, be willing to offer and to negotiate a production sharing contract under Indonesian law to explore for and to produce oil and natural gas in respect of the same part of the seabed on terms that are not less favourable than those provided under Indonesian law in existing production sharing contracts in other parts of the seabed under Indonesian jurisdiction.

2. An application for negotiation in accordance with paragraph 1 of this article must be made by the registered holder or holders within nine months after the entry into force of this Agreement. If no application is made within this period, or if an offer made in accordance with paragraph 1 of this article is, after negotiation, not accepted by the permittee or licensee, the Government of the Republic of Indonesia shall have no further obligation to the registered holder or holders of a permit or licence to which paragraph 1 of this article applies.

3. For the purpose of this article, "registered holder" means a company that was a registered holder of an exploration permit for petroleum or a production licence for petroleum, as the case may be, under the Petroleum (Submerged Lands) Acts of the Commonwealth of Australia immediately prior to the entry into force of this Agreement.

Article 9. Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

Article 10. This Agreement is subject to ratification in accordance with the constitutional requirements of each country, and shall enter into force on the day on which the Instruments of Ratification are exchanged.

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

DONE in duplicate at Jakarta this ninth day of October 1972 in the English and Indonesian languages.

(c) Agreement between Australia and Indonesia concerning certain boundaries between Papua New Guinea and Indonesia, 26 January 1973 <sup>1/</sup>

[Original: English and Indonesian]

Australia and Indonesia,

Recognizing the desirability of having boundaries of political and physical permanence between Papua New Guinea and Indonesia,

...

Recalling that in the Agreement between the Australian and Indonesian Governments dated the eighteenth day of May One thousand nine hundred and seventy-one (in this Agreement called "the 1971 Seabed Agreement") the two Governments left for further discussion the question of the seabed boundary line between the point of Latitude 9° 24' 30" South, Longitude 140° 49' 30" East (Point B1 shown on the chart annexed to this Agreement and on chart A annexed to the 1971 Seabed Agreement) and the point at which the land boundary between the Territory of Papua and West Irian meets the southern coast of the island of New Guinea (Irian),

As good neighbours and in a spirit of friendship and co-operation,

Have agreed as follows:

...

Article 3

Immediately off the southern coast of the island of New Guinea (Irian), the boundary between the area of seabed that is adjacent to and appertains to Papua New Guinea and the area that is adjacent to and appertains to Indonesia shall be the straight lines shown on the chart annexed to this Agreement commencing at the point of Latitude 9° 24' 30" South, Longitude 140° 49' 30" South, Longitude 140° 49' 30" East (Point B1) and thence connecting the points specified hereunder in the sequence so specified:

B2. The point of Latitude 9° 23' South, Longitude 140° 52' East.

B3. The point of Latitude 9° 08' 08" South, Longitude 141° 01' 10" East referred to in article 1(c) of this Agreement.

Article 4

The point B3 referred to in articles 1(c) and 3 of this Agreement is the present location of the point of intersection of the meridian of Longitude 141° 01' 10" East with the mean low water line on the southern coast of the island of New Guinea (Irian). If the point B3 ceases to be the point of such

---

<sup>1/</sup> Text provided by the Permanent Mission of Australia to the United Nations in a note verbale of 29 March 1973. Entered into force on 26 November 1985.

intersection the land boundary referred to in article 1(c) and the seabed boundary referred to in article 3 shall meet and terminate at the point at which the straight lines connecting the points MM14, B3 and B2 shown on the chart annexed to this Agreement <sup>2/</sup> intersect the mean low water line on the southern coast.

#### Article 5

For the purpose of this Agreement "seabed" includes the subsoil thereof, except where the context otherwise requires.

#### Article 6

In any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across any of the seabed boundary lines that are referred to in this Agreement, and the part of such accumulation or deposit that is situated on one side of the line is recoverable in fluid form wholly or in part from the other side of the line, the Governments of Australia and Indonesia will seek to reach agreement on the manner in which the accumulation or deposit shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

#### Article 7

Off the northern and southern coasts of the island of New Guinea (Irian) the lateral boundaries of the respective territorial seas and exclusive fishing zones shall so far as they extend coincide with the seabed boundary lines referred to in article 3 of this Agreement and in article 4 of the 1971 Seabed Agreement.

#### Article 8

1. Vessels or other craft permitted by laws of Papua New Guinea to navigate on that part of the Bensbach River flowing within Papua New Guinea shall for the purpose of entering or leaving the river have a right of passage through the adjacent Indonesian waters.

2. For the purpose of access to the mouth of the Bensback River, the authorities of Papua New Guinea and Indonesia shall keep open and mark any channel that may be necessary for safe navigation.

#### Article 9

1. The co-ordinates of the points specified in this Agreement are geographical co-ordinates. The actual location of any points or lines referred to in this Agreement which have not yet been determined shall be determined by a method to be agreed upon by the competent authorities of the Government of Australia and the Government of Indonesia.

---

<sup>2/</sup> Those parts of the Agreement dealing with the land boundary and the annexed chart have been omitted. A map showing the boundary line established by the Agreement appears on page 177.

2. For the purpose of paragraph 1 of this article the competent authorities shall be the Director of National Mapping of Australia and any person acting with his authority and the Chief of the Co-ordinating Body for National Survey and Mapping (Ketua Badan Koordinasi Survey Dan Pemetaan Nasional) of Indonesia and any person acting with his authority.

Article 10

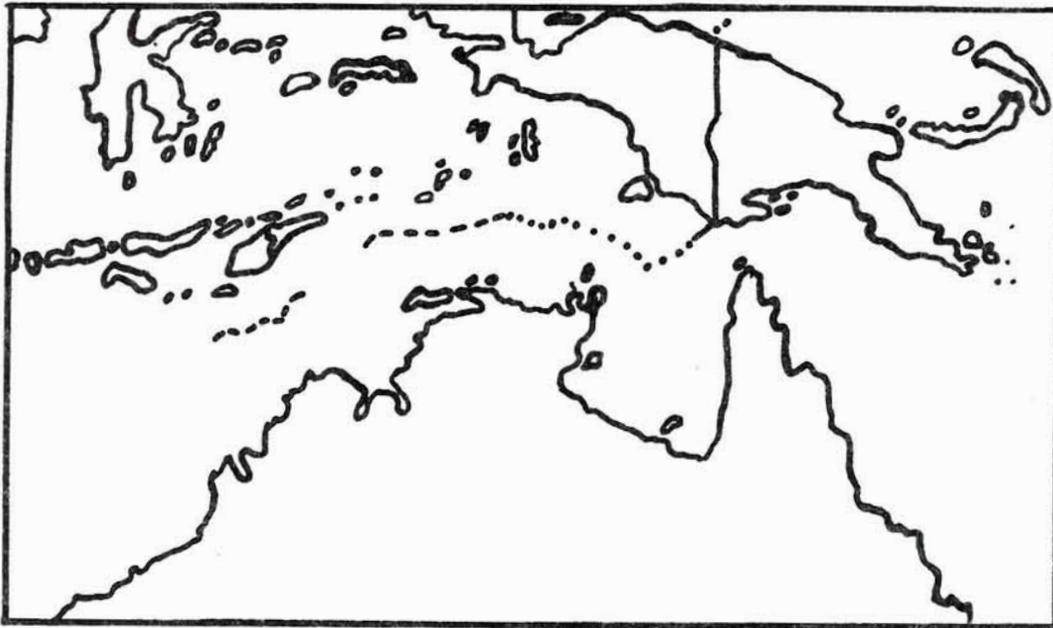
Any dispute between the Governments of Australia and Indonesia arising out of the interpretation or implementation of this Agreement shall be settled peacefully in accordance with the procedures mentioned in Article 33 of the Charter of the United Nations.

Article 11

1. This Agreement is subject to ratification in accordance with the constitutional requirements of each country, and shall enter into force on the day on which the Instruments of Ratification are exchanged.

2. It is understood that the approval of the House of Assembly of Papua New Guinea to this Agreement shall be obtained before Australian ratification of the Agreement.

SKETCH MAP SHOWING BOUNDARY LINES  
ESTABLISHED BY THE THREE AGREEMENTS



- • • Boundary established by the 1971 Agreement
- - - Boundary established by the 1972 Agreement
- Boundary established by the 1973 Agreement

Australia/Papua New Guinea

Treaty between Australia and the Independent State of Papua New Guinea concerning sovereignty and maritime boundaries in the area between the two countries, including the area known as Torres Strait, and related matters, 18 December 1978 1/

[Original: English]

DESIRING to set down their agreed position as to their respective sovereignty over certain islands, to establish maritime boundaries and to provide for certain other related matters, in the area between the two countries including the area known as Torres Strait;

RECOGNIZING the importance of protecting the traditional way of life and livelihood of Australians who are Torres Strait Islanders and of Papua New Guineans who live in the coastal area of Papua New Guinea in and adjacent to the Torres Strait;

RECOGNIZING ALSO the importance of protecting the marine environment and ensuring freedom of navigation and overflight for each other's vessels and aircraft in the Torres Strait area;

DESIRING ALSO to cooperate with one another in that area in the conservation, management and sharing of fisheries resources and in regulating the exploration and exploitation of seabed mineral resources;

AS good neighbours and in a spirit of cooperation, friendship and goodwill;

HAVE AGREED as follows:

PART 1  
Definitions

Article 1  
Definitions

1. In this Treaty -

- (a) "adjacent coastal area" means, in relation to Australia, the coastal area of the Australian mainland, and the Australian islands, near the Protected Zone; and, in relation to Papua New Guinea, the coastal area of the Papua New Guinea mainland, and the Papua New Guinea islands, near the Protected Zone;
- (b) "fisheries jurisdiction" means sovereign rights for the purpose of exploring and exploiting, conserving and managing fisheries resources other than sedentary species;
- (c) "fisheries resources" means all living natural resources of the sea and seabed, including all swimming and sedentary species;

---

1/ Communicated to the United Nations Secretariat by the Permanent Mission of Australia to the United Nations. Entered into force on 15 February 1985.

- (d) "free movement" means movement by the traditional inhabitants for or in the course of traditional activities;
- (e) "indigenous fauna and flora" includes migratory fauna;
- (f) "mile" means an international nautical mile, being, 1,852 metres in length;
- (g) "Protected Zone" means the zone established under article 10;
- (h) "Protected Zone commercial fisheries" means the fisheries resources of present or potential commercial significance within the Protected Zone and, where a stock of such resources belongs substantially to the Protected Zone but extends into an area outside but near it, the part of that stock found in that area within such limits as are agreed from time to time by the responsible authorities of the Parties;
- (i) "seabed jurisdiction" means sovereign rights over the continental shelf in accordance with international law, and includes jurisdiction over low-tide elevations, and the right to exercise such jurisdiction in respect of those elevations, in accordance with international law;
- (j) "sedentary species" means living 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;
- (k) "traditional activities" means activities performed by the traditional inhabitants in accordance with local tradition, and includes, when so performed -
  - (i) activities on land, including gardening, collection of food and hunting;
  - (ii) activities on water, including traditional fishing;
  - (iii) religious and secular ceremonies or gatherings for social purposes, for example, marriage celebrations and settlement of disputes; and
  - (iv) barter and market trade.

In the application of this definition, except in relation to activities of a commercial nature, "traditional" shall be interpreted liberally and in the light of prevailing custom;

- (l) "traditional fishing" means the taking, by traditional inhabitants for their own or their dependants' consumption or for use in the course of other traditional activities, of the living natural resources of the sea, seabed, estuaries and coastal tidal areas, including dugong and turtle;

(m) "traditional inhabitants" means, in relation to Australia, persons who -

- (i) are Torres Strait Islanders who live in the Protected Zone or the adjacent coastal area of Australia,
- (ii) are citizens of Australia, and
- (iii) maintain traditional customary associations with areas or features in or in the vicinity of the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities; and

in relation to Papua New Guinea, persons who -

- (i) live in the Protected Zone or the adjacent coastal area of Papua New Guinea,
- (ii) are citizens of Papua New Guinea, and
- (iii) maintain traditional customary associations with areas or features in or in the vicinity of the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities.

2. Where for the purposes of this Treaty it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to the Australian Geodetic Datum, that is to say, by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of 100/29825 and by reference to the position of the Johnston Geodetic Station in the Northern Territory of Australia. That station shall be taken to be situated at Latitude 25°56'54.5515" South and at Longitude 133°12'30.0771" East and to have a ground level of 571.2 metres above the spheroid referred to above.

3. In this Treaty, the expression "in and in the vicinity of the Protected Zone" describes an area the outer limits of which might vary according to the context in which the expression is used.

## PART 2

### Sovereignty and jurisdiction

#### Article 2

#### Sovereignty over islands

1. Papua New Guinea recognises the sovereignty of Australia over -

- (a) the islands known as Anchor Cay, Aubusi Island, Black Rocks, Boigu Island, Bramble Cay, Dauan Island, Deliverance Island, East Cay, Kaumag Island, Kerr Islet, Moimi Island, Pearce Cay, Saibai Island, Turnagain Island and Turu Cay; and

- (b) all islands that lie between the mainlands of the two countries and south of the line referred to in paragraph 1 of article 4 of this Treaty.
2. No island over which Australia has sovereignty, other than those specified in sub-paragraph 1(a) of this article, lies north of the line referred to in paragraph 1 of article 4 of this Treaty.
3. Australia recognises the sovereignty of Papua New Guinea over -
- (a) the islands known as Kawa Island, Mata Kawa Island and Kussa Island; and
  - (b) all the other islands that lie between the mainlands of the two countries and north of the line referred to in paragraph 1 of article 4 of this Treaty, other than the islands specified in subparagraph 1(a) of this article.
4. In this Treaty, sovereignty over an island shall include sovereignty over -
- (a) its territorial sea;
  - (b) the airspace above the island and its territorial sea;
  - (c) the seabed beneath its territorial sea and the subsoil thereof; and
  - (d) any island, rock or low-tide elevation that may lie within its territorial sea.

Article 3  
Territorial seas

1. The territorial sea boundaries between the islands of Aubusi, Boigu and Moimi and Papua New Guinea and the islands of Dauan, Kaumag and Saibai and Papua New Guinea shall be the lines described in Annex 1 to this Treaty, which are shown on the map annexed to this Treaty as Annex 2, together with such other portion of the outer limit of the territorial sea of Saibai described in Annex 3 to this Treaty that may abut the territorial sea of Papua New Guinea.
2. The territorial seas of the islands specified in sub-paragraph 1(a) of article 2 of this Treaty shall not extend beyond three miles from the baselines from which the breadth of the territorial sea around each island is measured. Those territorial seas shall not be enlarged or reduced, even if there were to be any change in the configuration of a coastline or a different result from any further survey.
3. The provisions of paragraph 2 of this article shall not apply to that part of the territorial sea of Pearce Cay which lies south of the line referred to in paragraph 1 of article 4 of this Treaty.

4. The outer limits of the territorial seas of the islands specified in sub-paragraph 1(a) of article 2 of this Treaty, except in respect of that part of the territorial sea of Pearce Cay which lies south of the line referred to in paragraph 1 of article 4 of this Treaty, shall be as described in Annex 3 to this Treaty. The limits so described are shown on the maps annexed to this Treaty as Annexes 2 and 4.

5. Australia shall not extend its territorial sea northwards across the line referred to in paragraph 1 of article 4 of this Treaty.

6. Papua New Guinea shall not -

- (a) extend its territorial sea off its southern coastline between the meridians of Longitude 142°03'30" East and of Longitude 142°51'00" East, beyond three miles from the baselines from which the breadth of the territorial sea is measured;
- (b) extend its territorial sea or archipelagic waters into the area bounded by that portion of the line referred to in paragraph 2 of article 4 of this Treaty running from the point of Latitude 9°45'24" South, Longitude 142°03'30" East to the point of Latitude 9°40'30" South, Longitude 142°51'00" East and that portion of the line referred to in paragraph 1 of article 4 of this Treaty which runs between those two points;
- (c) establish an archipelagic baseline running in or through the area referred to in subparagraph (b) of this paragraph; or
- (d) extend its territorial sea southwards across the line referred to in paragraph 1 of article 4 of this Treaty.

Article 4  
Maritime jurisdiction

1. Subject to the provisions of article 2 of this Treaty, the boundary between the area of seabed and subsoil that is adjacent to and appertains to Australia and the area of seabed and subsoil that is adjacent to and appertains to Papua New Guinea, and over which Australia and Papua New Guinea respectively shall have seabed jurisdiction, shall be the line described in Annex 5 to this Treaty. The line so described is shown on the map annexed to this Treaty as Annex 6 and, in part, on the map annexed to this Treaty as Annex 7.

2. Subject to the provisions of article 2 of this Treaty, the boundary between the area of sea that is adjacent to and appertains to Australia and the area of sea that is adjacent to and appertains to Papua New Guinea, and in which Australia and Papua New Guinea respectively shall have fisheries jurisdiction, shall be the line described in Annex 8 to this Treaty. The line so described is shown on the map annexed to this Treaty as Annex 6 and, in part, on the maps annexed to this Treaty as Annexes 2 and 7.

3. In relation to the area bounded by the portion of the line referred to in paragraph 2 of this article running from the point of Latitude 9°45'24" South, Longitude 142°03'30" East to the point of Latitude 9°40'30" South, Longitude 142°51' 00" East and that portion of the line referred to in paragraph 1 of this article which runs between those two points, exclusive of the territorial seas of the islands of Aubusi, Boigu, Dauan, Kaumag, Moimi, Saibai and Turnagain -

- (a) neither Party shall exercise residual jurisdiction without the concurrence of the other Party; and
- (b) the Parties shall consult with a view to reaching agreement on the most effective method of application of measures involving the exercise of residual jurisdiction.

4. In paragraph 3 of this article, "residual jurisdiction" means -

- (a) jurisdiction over the area other than seabed jurisdiction or fisheries jurisdiction, including jurisdiction other than seabed jurisdiction or fisheries jurisdiction in so far as it relates to, inter alia:
  - (i) the preservation of the marine environment;
  - (ii) marine scientific research; and
  - (iii) the production of energy from the water, currents and winds; and
- (b) seabed and fisheries jurisdiction to the extent that the exercise of such jurisdiction is not directly related to the exploration or exploitation of resources or to the prohibition of, or refusal to authorize, activities subject to that jurisdiction.

### PART 3

#### Sovereignty and jurisdiction - related matters

##### Article 5

##### Existing petroleum permit

1. Where prior to 16 September 1975 Australia has granted an exploration permit for petroleum under Australian law in respect of a part of the seabed over which it ceases by virtue of this Treaty to exercise sovereign rights, and a permittee retains rights in respect of that permit immediately prior to the entry into force of this Treaty, Papua New Guinea, upon application by that permittee, shall offer to that permittee a petroleum prospecting licence or licences under Papua New Guinea law in respect of the same part of the seabed on terms that are not less favourable than those provided under Papua New Guinea law to any other holder of a seabed petroleum prospecting licence.

2. An application for a licence under paragraph 1 of this article shall be made -

- (a) in respect of a part of the seabed lying outside the Protected Zone, within six months after the date of entry into force of this Treaty;
- (b) in respect of a part of the seabed lying within the Protected Zone, during the period referred to in article 15 and any extension of that period to which the Parties may agree.

Article 6

Exploitation of certain seabed deposits

If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the seabed, extends across any line defining the limits of seabed jurisdiction of the Parties, and if the part of such accumulation or deposit that is situated on one side of such a line is recoverable in fluid form wholly or in part from the other side, the Parties shall consult with a view to reaching agreement on the manner in which the accumulation or deposit may be most effectively exploited and on the equitable sharing of the benefits from such exploitation.

Article 7

Freedoms of navigation and overflight

1. On and over the waters of the Protected Zone that lie -

- (a) north of the line referred to in paragraph 1 of article 4 of this Treaty and seaward of the low water lines of the land territory of either Party, and
- (b) south of that line and beyond the outer limits of the territorial sea,

each Party shall accord to the vessels and aircraft of the other Party, subject to paragraphs 2 and 3 of this article, the freedoms of navigation and overflight associated with the operation of vessels and aircraft on or over the high seas.

2. Each Party shall take all necessary measures to ensure that, in the exercise of the freedoms of navigation and overflight accorded to its vessels and aircraft under paragraph 1 of this article -

- (a) those vessels observe generally accepted international regulations, procedures and practices for safety at sea and for the prevention, reduction and control of pollution from ships;
- (b) those civil aircraft observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft, and State aircraft normally comply with such of those rules as relate to safety and at all times operate with due regard for the safety of navigation;

- (c) those vessels and aircraft north of the line referred to in paragraph 1 of article 4 of this Treaty do not engage in the embarking or disembarking of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the other Party, provided that the relevant laws and regulations of that Party do not have the practical effect of denying, hampering or impairing the freedoms of navigation and overflight accorded under paragraph 1 of this article; and
- (d) those vessels and aircraft, north of the line referred to in paragraph 1 of article 4 of this Treaty, do not act in a manner prejudicial to the peace, good order or security of the other Party.

3. Vessels of a Party engaged in the exploration or exploitation of resources in an area of jurisdiction of the other Party shall remain subject to the laws and regulations of the other Party made in the exercise of its resources jurisdiction consistently with this Treaty and with international law, including the provisions of those laws and regulations concerning the boarding, inspection and apprehension of vessels.

4. In those areas of the Protected Zone north of the line referred to in paragraph 1 of article 4 of this Treaty to which paragraph 1 of this article does not apply, civil aircraft of a Party engaged in scheduled or nonscheduled air services shall have the right of overflight, and the right to make stops for non-traffic purposes, without the need to obtain prior permission from the other Party, subject to compliance with any applicable laws or regulations made for the safety of air navigation.

5. In areas of the Protected Zone to which paragraph 1 of this article does not apply, the vessels of a Party shall enjoy the right of innocent passage. There shall be no suspension of that right, and neither Party shall adopt laws or regulations applying to those areas that might impede or hamper the normal passage of vessels between two points both of which are in the territory of one Party.

6. In cases where the provisions of neither paragraph 1 nor paragraph 5 of this article apply, a regime of passage over routes used for international navigation in the area between the two countries, including the area known as Torres Strait, shall apply in respect of vessels that is no more restrictive of passage than the regime of transit passage through straits used for international navigation described in articles 34 to 44 inclusive of document A/CONF.62/WP.10 of the Third United Nations Conference on the Law of the Sea, provided that, before a Party adopts a law or regulation that might impede or hamper the passage over those routes of vessels proceeding to or from the territory of the other Party, it shall consult with the other Party. If the provisions of those articles are revised, are not included in any Law of the Sea Convention or fail to become generally accepted principles of international law, the Parties shall consult with a view to agreeing upon another regime of passage that is in accordance with international practice to replace the regime of passage applying under this paragraph.

7. The rights of navigation and overflight provided for in this article are in addition to, and not in derogation of, rights of navigation and overflight in the area concerned under other treaties or general principles of international law.

Article 8  
Navigational aids

With a view to maintaining and improving the safety of navigation through the waters in the area between the two countries, the Parties shall cooperate and, with due regard to the technical and other means available to each of them, shall, where appropriate and as may be agreed between them, provide mutual assistance in the provision and maintenance of navigational aids and in the preparation of charts and maps.

Article 9  
Wrecks

1. Wrecks of vessels and aircraft which lie on, in or under the seabed in an area of seabed jurisdiction of a Party shall be subject to the jurisdiction of that Party.
2. If a wreck of historical or special significance to a Party is located or found in an area between the two countries under the jurisdiction of the other Party, the Parties shall consult with a view to reaching agreement on the action, if any, to be taken with respect to that wreck.
3. The provisions of this article shall be without prejudice to the competence of the courts of a Party, for the purposes of the laws of that Party, in relation to maritime causes of action in respect of wrecks coming within the provisions of this article.
4. This article shall not apply to any military vessel or aircraft of either Party wrecked after the date of entry into force of this Treaty.

PART 4  
The Protected Zone

Article 10  
Establishment and purposes of the Protected Zone

1. A Protected Zone in the Torres Strait is hereby established comprising all the land, sea, airspace, seabed and subsoil within the area bounded by the line described in Annex 9 to this Treaty. The line so described is shown on the maps annexed to this Treaty as Annexes 6 and 7 and, in part, on the map annexed to this Treaty as Annex 2.
2. The Parties shall adopt and apply measures in relation to the Protected Zone in accordance with the provisions of this Treaty.
3. The principal purpose of the Parties in establishing the Protected Zone, and in determining its northern, southern, eastern and western boundaries, is to acknowledge and protect the traditional way of life and livelihood of the traditional inhabitants including their traditional fishing and free movement.
4. A further purpose of the Parties in establishing the Protected Zone is to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone.

Article 11

Free movement and traditional activities including traditional fishing

1. Subject to the other provisions of this Treaty, each Party shall continue to permit free movement and the performance of lawful traditional activities in and in the vicinity of the Protected Zone by the traditional inhabitants of the other Party.
2. Paragraph 1 of this article shall not be interpreted as sanctioning the expansion of traditional fishing by the traditional inhabitants of one Party into areas outside the Protected Zone under the jurisdiction of the other Party not traditionally fished by them prior to the date of entry into force of this Treaty.
3. The provisions of this article and the other provisions of this Treaty concerning traditional fishing are subject to article 14 and paragraph 2 of article 20 of this Treaty.

Article 12

Traditional customary rights

Where the traditional inhabitants of one Party enjoy traditional customary rights of access to and usage of areas of land, seabed, seas, estuaries and coastal tidal areas that are in or in the vicinity of the Protected Zone and that are under the jurisdiction of the other Party, and those rights are acknowledged by the traditional inhabitants living in or in proximity to those areas to be in accordance with local tradition, the other Party shall permit the continued exercise of those rights on conditions not less favourable than those applying to like rights of its own traditional inhabitants.

Article 13

Protection of the marine environment

1. Each Party shall take legislative and other measures necessary to protect and preserve the marine environment in and in the vicinity of the Protected Zone. In formulating those measures each Party shall take into account internationally agreed rules, standards and recommended practices which have been adopted by diplomatic conferences or by relevant international organizations.
2. The measures that each Party shall take in accordance with paragraph 1 of this article shall include measures for the prevention and control of pollution or other damage to the marine environment from all sources and activities under its jurisdiction or control and shall include, in particular, measures to minimize to the fullest practicable extent -
  - (a) the release of toxic, harmful or noxious substances from land-based sources, from rivers, from or through the atmosphere, or by dumping at sea;
  - (b) pollution or other damage from vessels; and
  - (c) pollution or other damage from installations and devices used in the exploration and exploitation of the natural resources of the seabed and subsoil thereof.

3. The measures taken by each Party in accordance with paragraph 1 of this article shall be consistent with its obligations under international law, including obligations not to prejudice the rights of foreign ships and aircraft, and shall be subject to the provisions of article 7 of this Treaty.

4. The Parties shall consult, at the request of either, for the purpose of -

- (a) harmonizing their policies with respect to the measures that each shall take pursuant to this article; and
- (b) ensuring the effective and coordinated implementation of those measures.

5. If either Party has reasonable grounds for believing that any planned activity under its jurisdiction or control may cause pollution or other damage to the marine environment in or in the vicinity of the Protected Zone, that Party shall, after due investigation, communicate to the other Party its assessment of the potential impact of that activity on the marine environment.

6. If either Party has reasonable grounds for believing that any existing or planned activity under the jurisdiction or control of the other Party is causing or may cause pollution or other damage to the marine environment in or in the vicinity of the Protected Zone, it may request consultations with the other Party, and the Parties shall then consult as soon as possible with a view to adopting measures to prevent or control any pollution or other damage to that environment from that activity.

Article 14  
Protection of fauna and flora

1. Each Party shall, in and in the vicinity of the Protected Zone, use its best endeavours to -

- (a) identify and protect species of indigenous fauna and flora that are or may become threatened with extinction;
- (b) prevent the introduction of species of fauna and flora that may be harmful to indigenous fauna and flora; and
- (c) control noxious species of fauna and flora.

2. Notwithstanding any other provision of this Treaty except paragraph 4 of this article, a Party may implement within its area of jurisdiction measures to protect species of indigenous fauna and flora which are or may become threatened with extinction or which either Party has an obligation to protect under international law.

3. The Parties shall as appropriate and necessary exchange information concerning species of indigenous fauna and flora that are or may become threatened with extinction and shall consult, at the request of either of them, for the purpose of -

- (a) harmonizing their policies with respect to the measures that each may take to give effect to paragraphs 1 and 2 of this article; and
- (b) ensuring the effective and coordinated implementation of those measures.

4. In giving effect to the provisions of this article, each Party shall use its best endeavours to minimize any restrictive effects on the traditional activities of the traditional inhabitants.

Article 15

Prohibition of mining and drilling of the seabed

Neither Party shall undertake or permit within the Protected Zone mining or drilling of the seabed or the subsoil thereof for the purpose of exploration for or exploitation of liquid hydrocarbons, natural gas or other mineral resources during a period of ten years from the date of entry into force of this Treaty. The Parties may agree to extend that period.

Article 16

Immigration, customs, quarantine and health

1. Except as otherwise provided in this Treaty, each Party shall apply immigration, customs, quarantine and health procedures in such a way as not to prevent or hinder free movement or the performance of traditional activities in and in the vicinity of the Protected Zone by the traditional inhabitants of the other Party.

2. Each Party, in administering its laws and policies relating to the entry and departure of persons and the importation and exportation of goods into and from areas under its jurisdiction in and in the vicinity of the Protected Zone, shall act in a spirit of mutual friendship and good-neighbourliness, bearing in mind relevant principles of international law and established international practices and the importance of discouraging the occurrence, under the guise of free movement or performance of traditional activities, of illegal entry, evasion of justice and practices prejudicial to effective immigration, customs, health and quarantine protection and control.

3. Notwithstanding the provisions of paragraph 1 of this article -

- (a) traditional inhabitants of one Party who wish to enter the other country, except for temporary stay for the performance of traditional activities, shall be subject to the same immigration, customs, health and quarantine requirements and procedures as citizens of that Party who are not traditional inhabitants;
- (b) each Party reserves its right to limit free movement to the extent necessary to control abuses involving illegal entry or evasion of justice; and
- (c) each Party reserves its right to apply such immigration, customs, health and quarantine measures, temporary or otherwise, as it considers necessary to meet problems which may arise. In particular each Party may apply measures to limit or prevent free movement, or the carriage of goods, plants or animals in the course thereof, in the case of an outbreak or spread of an epidemic, epizootic or epiphytotic, in or in the vicinity of the Protected Zone.

Article 17  
Implementation and coordination

In order to facilitate the implementation of the provisions of this Treaty relating to the Protected Zone, the authorities of each Party shall, at the request of the authorities of the other Party, as may be appropriate and necessary -

- (a) make available to the authorities of the other Party information on the relevant provisions of its laws, regulations and procedures relating to immigration, citizenship, customs, health, quarantine, fisheries, the protection of the environment and other matters; and
- (b) consult with the authorities of the other Party with a view to making appropriate administrative or other arrangements to resolve any problems arising in the implementation of those provisions.

Article 18  
Liaison arrangements

1. Each Party shall designate a representative who shall facilitate the implementation at the local level of the provisions of this Treaty.
2. The two designated representatives shall -
  - (a) exchange information on relevant developments in and in the vicinity of the Protected Zone;
  - (b) consult together and take such action as is appropriate to their respective functions to facilitate the practical operation at the local level of the provisions of this Treaty and to resolve any problems arising therefrom;
  - (c) keep under review free movement by the traditional inhabitants of one Party into areas under the jurisdiction of the other Party and the local arrangements applying in respect of such free movement; and
  - (d) draw to the attention of their Governments, and make recommendations as appropriate on, any matters affecting the implementation of the provisions of this Treaty or arising therefrom which are not capable of resolution at the local level or which may otherwise require consideration by both Parties.
3. In the exercise of his functions, each representative shall -
  - (a) consult closely with representatives of the traditional inhabitants of his country, particularly in relation to any problems which may arise in respect of free movement, traditional activities and the exercise of traditional customary rights as provided for in this Treaty, and convey their views to his Government; and
  - (b) maintain close liaison with national, State, Provincial and local authorities of his country on all matters falling within their respective responsibilities.

4. Unless a different location is required by the circumstances, the representative of Australia shall be based at Thursday Island and the representative of Papua New Guinea shall be based at Daru.

Article 19  
Torres Strait Joint Advisory Council

1. The Parties shall jointly establish and maintain an advisory and consultative body which shall be known as the Torres Strait Joint Advisory Council (called in this article "the Advisory Council").

2. The functions of the Advisory Council shall be -

- (a) to seek solutions to problems arising at the local level and not resolved pursuant to article 18 of this Treaty;
- (b) to consider and to make recommendations to the Parties on any developments or proposals which might affect the protection of the traditional way of life and livelihood of the traditional inhabitants, their free movement, performance of traditional activities and exercise of traditional customary rights as provided for in this Treaty; and
- (c) to review from time to time as necessary, and to report and to make recommendations to the Parties on, any matters relevant to the effective implementation of this Treaty, including the provisions relating to the protection and preservation of the marine environment, and fauna and flora, in and in the vicinity of the Protected Zone.

3. The Advisory Council shall not have or assume responsibilities for management or administration. These responsibilities shall, within the respective areas of jurisdiction of each Party, continue to lie with the relevant national, State, Provincial and local authorities.

4. In the exercise of its functions, the Advisory Council shall ensure that the traditional inhabitants are consulted, that they are given full and timely opportunity to comment on matters of concern to them and that their views are conveyed to the Parties in any reports and recommendations made by the Advisory Council to the Parties.

5. The Advisory Council shall transmit its reports and recommendations to the Foreign Ministers of the Parties. After consideration by appropriate authorities of the Parties, consultations may be arranged with a view to the resolution of matters to which the Advisory Council has invited attention.

6. Unless otherwise agreed by the Parties, the Advisory Council shall consist of eighteen members, that is nine members from each Party who shall include -

- (a) at least two national representatives;
- (b) at least one member representing the Government of Queensland in the case of Australia and one representing the Fly River Provincial Government in the case of Papua New Guinea; and
- (c) at least three members representing the traditional inhabitants,

with each Party being free to decide from time to time from which of the aforementioned categories any other of its members will be drawn.

7. The Advisory Council shall meet when necessary at the request of either Party. Consecutive meetings of the Advisory Council shall be chaired alternately by a representative of Australia and a representative of Papua New Guinea. Meetings shall be held alternately in Australia and Papua New Guinea or as may from time to time be otherwise arranged.

#### PART 5

#### Protected zone commercial fisheries

##### Article 20

#### Priority of traditional fishing and application of measures to traditional fishing

1. The provisions of this Part shall be administered so as not to prejudice the achievement of the purposes of Part 4 of this Treaty in regard to traditional fishing.

2. A Party may adopt a conservation measure consistent with the provisions of this Part which, if necessary for the conservation of a species, may be applied to traditional fishing, provided that that Party shall use its best endeavours to minimize any restrictive effects of that measure on traditional fishing.

##### Article 21

#### Conservation, management and optimum utilisation

The Parties shall cooperate in the conservation, management and optimum utilization of Protected Zone commercial fisheries. To this end, the Parties shall consult at the request of either and shall enter into arrangements for the effective implementation of the provisions of this Part.

##### Article 22

#### Conservation and management of individual fisheries

1. The Parties shall, where appropriate, negotiate subsidiary conservation and management arrangements in respect of any individual Protected Zone commercial fishery.

2. If either Party notifies the other in writing that it regards one of the Protected Zone commercial fisheries as one to which common conservation and management arrangements should apply, the Parties shall within ninety days from the date of the notification enter into consultations with a view to concluding arrangements specifying the measures to be applied by them with respect to that fishery.

3. The Parties shall, where appropriate, also negotiate supplementary conservation and management arrangements in respect of resources directly related to a fishery referred to in paragraph 1 of this article, including resources involving stocks occurring in the Protected Zone where such stocks are not otherwise subject to the provisions of this Treaty.

### Article 23

#### Sharing of the catch of the Protected Zone commercial fisheries

1. The Parties shall share the allowable catch of the Protected Zone commercial fisheries in accordance with the provisions of this article and of articles 24 and 25 of this Treaty.

2. The allowable catch, that is to say the optimum sustainable yield, of a Protected Zone commercial fishery shall be determined jointly by the Parties as part of the subsidiary conservation and management arrangements referred to in paragraph 1 of article 22 of this Treaty.

3. If either Party has reasonable grounds for believing that the commercial exploitation of a species of Protected Zone commercial fisheries would, or has the potential to, cause serious damage to the marine environment, or might endanger another species, that Party may request consultations with the other Party and the Parties shall then consult as soon as possible with a view to reaching agreement on whether such commercial exploitation could be undertaken in a manner which would not result in such damage or endanger another species.

4. In respect of any relevant period where the full allowable catch of a particular Protected Zone commercial fishery might be taken, each Party shall be entitled to a share of the allowable catch apportioned, subject to paragraphs 5, 6 and 8 of this article and to articles 24 and 25 of this Treaty, as follows:

- (a) in areas under Australian jurisdiction, except as provided in (b) below:

Australia - 75%  
Papua New Guinea - 25%

- (b) within the territorial seas of Anchor Cay, Black Rocks, Bramble Cay, Deliverance Island, East Cay, Kerr Islet, Pearce Cay and Turu Cay:

Australia - 50%  
Papua New Guinea - 50%

- (c) in areas under Papua New Guinea jurisdiction:

Australia - 25%  
Papua New Guinea - 75%

5. Papua New Guinea shall have the sole entitlement to the allowable catch of the commercial barramundi fishery near the Papua New Guinea coast, except within the territorial seas of the islands of Aubusi, Boigu, Dauan, Kaumag, Moimi and Saibai where, in respect of that fishery, the provisions of paragraph 4 (a) of this article shall not apply.

6. In apportioning the allowable catch in relation to an individual fishery, the Parties shall normally consider the allowable catch expressed in terms of weight or volume. In calculating the apportionment of the total allowable catch of the Protected Zone commercial fisheries, the Parties shall have regard to the relative value of individual fisheries and shall, for this purpose, agree on a common value for production from each individual fishery for the period in question, such value being based on the value of the raw product at the processing facility or such other point as may be agreed, but prior to any enhancement of value through processing, including processing at a pearl culture farm, or further transportation or marketing.

7. The Parties may agree to vary the apportionment of the allowable catch determined for individual fisheries as part of the subsidiary conservation and management arrangements referred to in paragraph 1 of article 22 of this Treaty but so as to maintain in respect of the total allowable catch of the Protected Zone commercial fisheries the apportionment specified in paragraph 4 of this article for each Party.

8. In calculating the total allowable catch of the Protected Zone commercial fisheries, the allowable catch of the commercial barramundi fishery referred to in paragraph 5 of this article shall be disregarded.

Article 24  
Transitional entitlement

1. As part of the subsidiary conservation and management arrangements referred to in paragraph 1 of article 22 of this Treaty, the level of the catch of each Protected Zone commercial fishery to which each Party is entitled, provided it remains within the allowable catch -

- (a) shall not, during the period of five years immediately after the entry into force of this Treaty, be reduced below the level of catch of that Party before the entry into force of this Treaty; but
- (b) may, during the second period of five years after the entry into force of this Treaty, be adjusted progressively so that at the end of that second five-year period it reaches the level of catch apportioned in each case in article 23 of this Treaty.

2. The entitlement of a Party under this article shall, where the limitation of the allowable catch makes it necessary, take priority over the entitlement of the other Party under article 23 of this Treaty, but shall be taken into account in calculating the entitlement of the first Party.

Article 25  
Preferential entitlement

If, in any relevant period, a Party does not itself propose to take all the allowable catch of a Protected Zone commercial fishery to which it is entitled, either in its own area of jurisdiction or that of the other Party, the other Party shall have a preferential entitlement to any of the allowable catch of that fishery not taken by the first Party.

Article 26  
Licensing arrangements

1. In the negotiation and implementation of the conservation and management arrangements referred to in paragraph 1 of article 22 of this Treaty -

- (a) the Parties shall consult and cooperate in the issue and endorsement of licences to permit commercial fishing in Protected Zone commercial fisheries;
- (b) the responsible authorities of the Parties may issue licences to fish in any Protected Zone commercial fishery; and
- (c) persons or vessels which are licensed by the responsible authorities of one Party to fish in any relevant period in a Protected Zone commercial fishery shall, if nominated by the responsible authorities of that Party, be authorised by the responsible authorities of the other Party, wherever necessary, by the endorsement of licences or otherwise, to fish in those areas under the jurisdiction of the other Party in which the fishery concerned is located.

2. The persons or vessels licensed by one Party which have been authorized, or are to be authorized, under the provisions of paragraph 1 of this article to fish in waters under the jurisdiction of the other Party shall comply with the relevant fisheries laws and regulations of the other Party except that they shall be exempt from licensing fees, levies and other charges imposed by the other Party in respect of such fishing activities.

3. In issuing licences in accordance with paragraph 1 of this article, the responsible authorities of both Parties shall have regard to the desirability of promoting economic development in the Torres Strait area and employment opportunities for the traditional inhabitants.

4. The responsible authorities of both Parties shall ensure that the traditional inhabitants are consulted from time to time on the licensing arrangements in respect of Protected Zone commercial fisheries.

Article 27

Third State fishing in Protected Zone commercial fisheries

1. The responsible authorities of the Parties shall inform one another and shall consult, at the request of either of them, concerning the proposed exploitation of the Protected Zone commercial fisheries -

- (a) by a joint venture in which there is third-State equity participation; or
- (b) by a vessel of third-State registration or with a crew substantially of the nationality of a third State.

2. Vessels the operations of which are under the control of nationals of a third State shall not be licensed to exploit the Protected Zone commercial fisheries without the concurrence of the responsible authorities of both Parties in a particular case or class of cases.

Article 28

Inspection and enforcement

1. The Parties shall cooperate, including by exchange of personnel, in inspection and enforcement to prevent violations of the Protected Zone commercial fisheries arrangements and in taking appropriate enforcement measures in the event of such violations.

2. The Parties shall consult from time to time, as necessary, so as to ensure that legislation and regulations adopted by each Party pursuant to paragraph 1 of this article are, as far as practicable, consistent with the legislation and regulations of the other Party.

3. Each Party shall make it an offence under its fisheries laws or regulations for a person to use a vessel of its nationality to fish in Protected Zone commercial fisheries for species of fisheries resources in areas over which the other Party has jurisdiction in respect of those species -

- (a) without being duly licensed or authorized by that other Party; or
- (b) in the case of a licensed or authorised vessel, in breach of the fisheries laws or regulations of the other Party applying within those areas.

4. Each Party will, in relation to species of fisheries resources in areas where it has jurisdiction in respect of those species -

- (a) investigate suspected offences against its fisheries laws and regulations; and
- (b) except as provided in or under this article, take corrective action when necessary against offenders against those laws or regulations.

5. In this article, "corrective action" means the action normally taken in respect of a suspected offence, after due investigation, and includes, where appropriate, the apprehension of a suspected offender, the prosecution of an alleged offender, or the execution of a penalty imposed by a court or the cancellation or suspension of the licence of an offender.

6. In accordance with the provisions of this article, and in other appropriate cases as may be agreed between the Parties, corrective action in respect of offences or suspected offences against the fisheries laws or regulations of the Parties shall be taken by the authorities of the Party whose nationality is borne by the vessel or person concerned (called in this article, "the first Party") and not by the Party in whose area of jurisdiction the offence or suspected offence occurs (called in this article "the second Party").

7. The Parties acknowledge that the principle stated in paragraph 6 of this article should not be applied so as to frustrate the enforcement of fisheries laws or regulations or to enable offenders against those laws or regulations to go unpunished.

8. Where, in the case of a suspected offence alleged to have been committed in or in the vicinity of the Protected Zone, it appears that the offence was, or might reasonably be considered to have been, committed in the course of traditional fishing, corrective action or other measures shall be taken by the authorities of the first Party and not by the authorities of the second Party and, if being detained by the authorities of the second Party, the alleged offenders and their vessel shall be either released or handed over to the authorities of the first Party, in accordance with arrangements that will avoid undue expense or inconvenience to the authorities of the second Party.

9. Where paragraph 8 of this article applies, the authorities of the second Party may require assurance in a particular case that corrective action or other measures will be taken by the authorities of the first Party that will adequately ensure that the activity complained of will not be repeated.

10. Where the provisions of paragraph 8 of this article do not apply, and the person or vessel alleged to have been involved or used in the commission of a suspected offence in the Protected Zone is licensed to fish in the Protected Zone by the authorities of the first Party, corrective action shall be taken by the authorities of the first Party and not by the authorities of the second Party and, if being detained by the authorities of the second Party, the alleged offenders and their vessel shall be either released or handed over to the authorities of the first Party, in accordance with arrangements that will avoid undue expense or inconvenience to the authorities of the second Party, and the provisions of paragraphs 13 and 14 of this article shall apply.

11. The provisions of paragraph 10 of this article shall also apply in respect of a suspected offence by a person or vessel of the first Party in an area of jurisdiction of the second Party outside the Protected Zone where -

- (a) that person or vessel was authorized by the authorities of the second Party to fish in the area where the suspected offence was committed under the arrangements referred to in paragraph 1 of article 22 of this Treaty; and
- (b) the suspected offence was committed in relation to the fishery the subject of that authorization and did not involve the taking of other species or potential injury to another fishery.

12. Persons or vessels of the first Party detained by the authorities of the second Party in the circumstances described in paragraphs 8 and 10 of this article may be detained for as long as necessary to enable those authorities to conduct an expeditious investigation into the offence and to obtain evidence. Thereafter, they shall not be detained other than for the purpose of the handing over of the persons or vessels in accordance with the provisions of those paragraphs unless they are lawfully detained on some other ground.

13. If an alleged offender referred to in paragraph 10 of this article is, in respect of conduct in waters under the jurisdiction of the second Party -

- (a) convicted of an offence against the fisheries laws or regulations of the first Party; or
- (b) found by the authorities of the first Party, on the basis of sufficient available evidence, to have contravened or failed to comply with a condition of his licence or authorisation or that of his vessel;

the authorities of the first Party shall, where appropriate and having regard to paragraph 7 of this article, cancel or suspend the licence or authorisation of the person or his vessel so far as it relates to the Protected Zone commercial fisheries.

14. Where a person or vessel involved or used in the commission of the alleged offence referred to in paragraph 10 of this article is also currently licensed or authorized to fish in the area of the Protected Zone by the second Party, the authorities of the second Party may, after receiving a report and representations, if any, from the authorities of the first Party, cancel or suspend that licence or authorization in accordance with its laws for such period as is warranted by the circumstances of the case.

15. Each Party shall provide the other Party with any evidence obtained during investigations carried out in accordance with this article into a suspected offence involving a person or vessel of the other Party. Each Party shall take appropriate measures to facilitate the admission of such evidence in proceedings taken in respect of the suspected offence.

16. In this article references to persons and vessels of, or of the nationality of, a Party include references to persons or vessels licensed by that Party under sub-paragraph 1(b) of article 26 of this Treaty, and the crews of vessels so licensed, except where such persons or vessels have a prior current licence from the other Party under that sub-paragraph.

## PART 6

### Final articles

#### Article 29

#### Settlement of disputes

Any dispute between the Parties arising out of the interpretation or implementation of this Treaty shall be settled by consultation or negotiation.

Article 30  
Consultations

The Parties shall consult, at the request of either, on any matters relating to this Treaty.

Article 31  
Annexes

The Annexes to this Treaty shall have force and effect as integral parts of this Treaty.

Article 32  
Ratification

This Treaty shall be subject to ratification and shall enter into force on the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned being duly authorized have signed the present Treaty and have affixed thereto their seals.

DONE in duplicate at Sydney on this eighteenth day of December, One thousand nine hundred and seventy-eight.

Annex 1

TO THE TREATY BETWEEN AUSTRALIA AND THE INDEPENDENT STATE OF PAPUA NEW GUINEA CONCERNING SOVEREIGNTY AND MARITIME BOUNDARIES IN THE AREA BETWEEN THE TWO COUNTRIES, INCLUDING THE AREA KNOWN AS TORRES STRAIT, AND RELATED MATTERS

Territorial sea boundaries between the Islands of Aubusi, Boigu and Moimi and Papua New Guinea and between the islands of Dauan, Kaumag and Saibai and Papua New Guinea

Between the Islands of Aubusi, Boigu and Moimi and Papua New Guinea

A line -

commencing at the point of Latitude 9°15'43" South, Longitude 142°03'30" East ("Point 1");

running thence north-easterly along the geodesic to the point of Latitude 9°12'50" South, Longitude 142°06'25" East ("Point 2");

thence north-easterly along the geodesic to the point of Latitude 9°11'51" South, Longitude 142°08'33" East ("Point 3");

thence south-easterly along the geodesic to the point of Latitude 9°11'58" South, Longitude 142°10'18" East ("Point 4");

thence north-easterly along the geodesic to the point of Latitude 9°11'22" South, Longitude 142°12'54" East ("Point 5");

thence south-easterly along the geodesic to the point of Latitude 9°11'34" South, Longitude 142°14'08" East ("Point 6");

thence south-easterly along the geodesic to the point of Latitude 9°13'53" South, Longitude 142°16'26" East ("Point 7"); and

thence south-easterly along the geodesic to the point of Latitude 9°16'04" South, Longitude 142°20'41" East ("Point 8") where it terminates.

Between the Islands of Dauan, Kaumag and Saibai and Papua New Guinea

A line -

commencing at the point of Latitude 9°22'04" South, Longitude 142°29'41" East ("Point 9");

running thence north-easterly along the geodesic to the point of Latitude 9°21'48" South, Longitude 142°31'29" East ("Point 10");

thence north-easterly along the geodesic to the point of Latitude 9°22'33" South, Longitude 142°33'28" East ("Point 11");

thence north-easterly along the geodesic to the point of Latitude 9°21'25" South, Longitude 142°35'29" East ("Point 12");

thence north-easterly along the geodesic to the point of Latitude 9°20'21" South, Longitude 142°41'43" East ("Point 13");

thence north-easterly along the geodesic to the point of Latitude 9°20'16" South, Longitude 142°43'45" East ("Point 14"); and

thence north-easterly along the geodesic to the point of Latitude 9°19'26" South, Longitude 142°48'18" East ("Point 15"); where it terminates.

Annex 3

TO THE TREATY BETWEEN AUSTRALIA AND THE INDEPENDENT STATE OF PAPUA NEW GUINEA CONCERNING SOVEREIGNTY AND MARITIME BOUNDARIES IN THE AREA BETWEEN THE TWO COUNTRIES, INCLUDING THE AREA KNOWN AS TORRES STRAIT, AND RELATED MATTERS

Outer limits of territorial seas

Territorial Sea of the Islands of Aubusi, Boigu and Moimi

The outer limit of the territorial sea of the islands of Aubusi, Boigu and Moimi shall be a continuous line -

- (a) commencing at the point specified as Point 1 in Annex 1 to this Treaty;
- (b) running thence along the geodesics successively joining the points specified as Points 1 to 8 in Annex 1 to this Treaty; and
- (c) thence along a series of intersecting arcs of circles having a radius of three miles and drawn successively from the following points -

|         | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|---------|----------------------------|----------------------------|
| (i)     | 9°15'53"                   | 142°17'39"                 |
| (ii)    | 9°16'26"                   | 142°17'36"                 |
| (iii)   | 9°16'28"                   | 142°17'36"                 |
| (iv)    | 9°16'31"                   | 142°17'30"                 |
| (v)     | 9°17'06"                   | 142°17'30"                 |
| (vi)    | 9°17'15"                   | 142°17'30"                 |
| (vii)   | 9°17'26"                   | 142°17'15"                 |
| (viii)  | 9°17'50"                   | 142°16'46"                 |
| (ix)    | 9°17'55"                   | 142°16'39"                 |
| (x)     | 9°17'56"                   | 142°16'30"                 |
| (xi)    | 9°17'53"                   | 142°16'11"                 |
| (xii)   | 9°17'52"                   | 142°16'07"                 |
| (xiii)  | 9°17'44"                   | 142°14'52"                 |
| (xiv)   | 9°17'45"                   | 142°14'49"                 |
| (xv)    | 9°17'44"                   | 142°14'38"                 |
| (xvi)   | 9°17'44"                   | 142°14'30"                 |
| (xvii)  | 9°17'38"                   | 142°14'06"                 |
| (xviii) | 9°17'38"                   | 142°13'59"                 |
| (xix)   | 9°17'36"                   | 142°13'47"                 |
| (xx)    | 9°17'34"                   | 142°13'31"                 |

|           | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|-----------|----------------------------|----------------------------|
| (xxi)     | 9°17'33"                   | 142°13'20"                 |
| (xxii)    | 9°17'32"                   | 142°12'56"                 |
| (xxiii)   | 9°17'32"                   | 142°12'46"                 |
| (xxiv)    | 9°17'33"                   | 142°12'26"                 |
| (xxv)     | 9°17'38"                   | 142°11'56"                 |
| (xxvi)    | 9°17'39"                   | 142°11'51"                 |
| (xxvii)   | 9°17'38"                   | 142°11'34"                 |
| (xxviii)  | 9°17'37"                   | 142°11'30"                 |
| (xxix)    | 9°17'33"                   | 142°10'20"                 |
| (xxx)     | 9°17'30"                   | 142°10'13"                 |
| (xxxii)   | 9°17'15"                   | 142°09'08"                 |
| (xxxiii)  | 9°17'13"                   | 142°09'00"                 |
| (xxxiv)   | 9°17'02"                   | 142°08'35"                 |
| (xxxv)    | 9°16'56"                   | 142°08'23"                 |
| (xxxvi)   | 9°16'52"                   | 142°08'15"                 |
| (xxxvii)  | 9°16'47"                   | 142°08'01"                 |
| (xxxviii) | 9°16'46"                   | 142°07'58"                 |
| (xxxix)   | 9°16'21"                   | 142°06'52"                 |
| (xl)      | 9°16'19"                   | 142°06'51"                 |
|           | 9°15'08"                   | 142°06'28"                 |

to the point of commencement.

Territorial Sea of the Islands of Dauan, Kaumag and Saibia

The outer limit of the territorial sea of the islands of Dauan, Kaumag and Saibai shall be a continuous line -

- (a) commencing at the point specified as Point 9 in Annex 1 to this Treaty;
- (b) running thence along the geodesics successively joining the points specified as Points 9 to 15 in Annex 1 to this Treaty; and
- (c) thence along a series of intersecting arcs of circles having a radius of three miles and drawn successively from the following points -

|        | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|--------|----------------------------|----------------------------|
| (i)    | 9°22'24"                   | 142°47'49"                 |
| (ii)   | 9°22'28"                   | 142°47'53"                 |
| (iii)  | 9°22'39"                   | 142°47'57"                 |
| (iv)   | 9°22'48"                   | 142°48'00"                 |
| (v)    | 9°22'58"                   | 142°48'01"                 |
| (vi)   | 9°23'02"                   | 142°48'01"                 |
| (vii)  | 9°23'06"                   | 142°47'59"                 |
| (viii) | 9°23'12"                   | 142°47'55"                 |
| (ix)   | 9°23'28"                   | 142°47'46"                 |
| (x)    | 9°23'44"                   | 142°47'41"                 |

|           | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|-----------|----------------------------|----------------------------|
| (xi)      | 9°25'46"                   | 142°46'36"                 |
| (xii)     | 9°25'48"                   | 142°46'36"                 |
| (xiii)    | 9°25'53"                   | 142°46'29"                 |
| (xiv)     | 9°26'05"                   | 142°46'12"                 |
| (xv)      | 9°26'10"                   | 142°46'03"                 |
| (xvi)     | 9°26'15"                   | 142°45'47"                 |
| (xvii)    | 9°26'15"                   | 142°45'34"                 |
| (xviii)   | 9°26'12"                   | 142°45'25"                 |
| (xix)     | 9°26'09"                   | 142°45'12"                 |
| (xx)      | 9°26'06"                   | 142°45'07"                 |
| (xxi)     | 9°25'57"                   | 142°44'39"                 |
| (xxii)    | 9°25'48"                   | 142°43'07"                 |
| (xxiii)   | 9°25'54"                   | 142°42'42"                 |
| (xxiv)    | 9°25'53"                   | 142°42'13"                 |
| (xxv)     | 9°25'52"                   | 142°41'59"                 |
| (xxvi)    | 9°25'51"                   | 142°41'51"                 |
| (xxvii)   | 9°25'48"                   | 142°41'15"                 |
| (xxviii)  | 9°25'47"                   | 142°41'04"                 |
| (xxix)    | 9°25'46"                   | 142°40'55"                 |
| (xxx)     | 9°25'43"                   | 142°40'20"                 |
| (xxxi)    | 9°25'44"                   | 142°40'04"                 |
| (xxxii)   | 9°25'50"                   | 142°39'30"                 |
| (xxxiii)  | 9°25'51"                   | 142°39'22"                 |
| (xxxiv)   | 9°25'50"                   | 142°39'13"                 |
| (xxxv)    | 9°25'48"                   | 142°39'03"                 |
| (xxxvi)   | 9°25'35"                   | 142°38'05"                 |
| (xxxvii)  | 9°25'31"                   | 142°37'46"                 |
| (xxxviii) | 9°25'28"                   | 142°37'36"                 |
| (xxxix)   | 9°25'23"                   | 142°37'22"                 |
| (xl)      | 9°25'22"                   | 142°37'19"                 |
| (xli)     | 9°25'04"                   | 142°36'35"                 |
| (xlii)    | 9°24'50"                   | 142°36'03"                 |
| (xliii)   | 9°25'25"                   | 142°33'03"                 |
| (xliv)    | 9°25'27"                   | 142°32'58"                 |
| (xlv)     | 9°25'54"                   | 142°32'17"                 |
| (xlvi)    | 9°26'11"                   | 142°33'00"                 |
| (xlvii)   | 9°26'15"                   | 142°31'55"                 |
| (xlviii)  | 9°26'17"                   | 142°31'52"                 |
| (xlix)    | 9°26'17"                   | 142°31'48"                 |
| (l)       | 9°26'15"                   | 142°31'46"                 |
| (li)      | 9°26'06"                   | 142°31'47"                 |
| (lii)     | 9°25'38"                   | 142°31'35"                 |
| (liii)    | 9°25'28"                   | 142°31'34"                 |
| (liv)     | 9°25'24"                   | 142°31'33"                 |
| (lv)      | 9°25'05"                   | 142°31'27"                 |
| (lvi)     | 9°24'39"                   | 142°31'18"                 |
| (lvii)    | 9°24'37"                   | 142°31'17"                 |
| (lviii)   | 9°24'32"                   | 142°31'24"                 |

to the point of commencement.

Territorial Sea of Anchor Cay and East Cay

The outer limit of the territorial sea of Anchor Cay and East Cay shall be a continuous line formed by a series of intersecting arcs of circles having a radius of three miles and drawn successively, so as to enclose the islands, from the following points -

|           | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|-----------|----------------------------|----------------------------|
| (i)       | 9°21'27"                   | 144°07'30"                 |
| (ii)      | 9°21'25"                   | 144°07'28"                 |
| (iii)     | 9°21'25"                   | 144°07'38"                 |
| (iv)      | 9°21'26"                   | 144°07'44"                 |
| (v)       | 9°21'29"                   | 144°07'50"                 |
| (vi)      | 9°21'31"                   | 144°07'55"                 |
| (vii)     | 9°21'44"                   | 144°08'24"                 |
| (viii)    | 9°21'45"                   | 144°08'27"                 |
| (ix)      | 9°21'49"                   | 144°08'33"                 |
| (x)       | 9°21'54"                   | 144°08'37"                 |
| (xi)      | 9°23'09"                   | 144°12'43"                 |
| (xii)     | 9°23'02"                   | 144°12'55"                 |
| (xiii)    | 9°23'02"                   | 144°13'23"                 |
| (xiv)     | 9°23'04"                   | 144°13'29"                 |
| (xv)      | 9°23'06"                   | 144°13'33"                 |
| (xvi)     | 9°23'09"                   | 144°13'40"                 |
| (xvii)    | 9°23'13"                   | 144°13'44"                 |
| (xviii)   | 9°23'30"                   | 144°13'59"                 |
| (xix)     | 9°23'40"                   | 144°14'11"                 |
| (xx)      | 9°23'44"                   | 144°14'18"                 |
| (xxi)     | 9°23'50"                   | 144°14'25"                 |
| (xxii)    | 9°23'59"                   | 144°14'30"                 |
| (xxiii)   | 9°24'05"                   | 144°14'31"                 |
| (xxiv)    | 9°24'19"                   | 144°14'33"                 |
| (xxv)     | 9°24'29"                   | 144°14'37"                 |
| (xxvi)    | 9°24'40"                   | 144°14'40"                 |
| (xxvii)   | 9°24'44"                   | 144°14'40"                 |
| (xxviii)  | 9°24'49"                   | 144°14'35"                 |
| (xxix)    | 9°24'53"                   | 144°14'33"                 |
| (xxx)     | 9°24'57"                   | 144°14'27"                 |
| (xxxi)    | 9°24'57"                   | 144°14'20"                 |
| (xxxii)   | 9°24'56"                   | 144°14'14"                 |
| (xxxiii)  | 9°24'44"                   | 144°13'19"                 |
| (xxxiv)   | 9°24'40"                   | 144°13'02"                 |
| (xxxv)    | 9°24'36"                   | 144°12'58"                 |
| (xxxvi)   | 9°24'31"                   | 144°12'56"                 |
| (xxxvii)  | 9°23'47"                   | 144°12'34"                 |
| (xxxviii) | 9°22'06"                   | 144°08'38"                 |
| (xxxix)   | 9°22'07"                   | 144°08'31"                 |
| (xl)      | 9°21'59"                   | 144°07'57"                 |

|         | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|---------|----------------------------|----------------------------|
| (xli)   | 9°21'47"                   | 144°07'32"                 |
| (xlii)  | 9°21'44"                   | 144°07'29"                 |
| (xliii) | 9°21'40"                   | 144°07'26"                 |
| (xliv)  | 9°21'35"                   | 144°07'24"                 |

Territorial Sea of Black Rocks and Bramble Cay

The outer limit of the territorial sea of Black Rocks and Bramble Cay shall be a continuous line formed by a series of intersecting arcs of circles having a radius of three miles and drawn successively, so as to enclose the islands, from the following points -

|        | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|--------|----------------------------|----------------------------|
| (i)    | 9°10'28"                   | 143°49'59"                 |
| (ii)   | 9°08'40"                   | 143°52'19"                 |
| (iii)  | 9°08'33"                   | 143°52'22"                 |
| (iv)   | 9°08'26"                   | 143°52'32"                 |
| (v)    | 9°08'24"                   | 143°52'41"                 |
| (vi)   | 9°08'23"                   | 143°52'48"                 |
| (vii)  | 9°08'24"                   | 143°52'54"                 |
| (viii) | 9°08'27"                   | 143°53'06"                 |
| (ix)   | 9°08'32"                   | 143°53'12"                 |
| (x)    | 9°08'43"                   | 143°53'19"                 |
| (xi)   | 9°08'48"                   | 143°53'19"                 |
| (xii)  | 9°08'52"                   | 143°53'17"                 |
| (xiii) | 9°09'00"                   | 143°53'13"                 |
| (xiv)  | 9°09'04"                   | 143°53'07"                 |
| (xv)   | 9°09'08"                   | 143°53'00"                 |
| (xvi)  | 9°09'07"                   | 143°52'49"                 |

Territorial Sea of Deliverance Island and Kerr Islet

The outer limit of the territorial sea of Deliverance Island and Kerr Islet shall be a continuous line formed by a series of intersecting arcs of circles having a radius of three miles and drawn successively, so as to enclose the islands, from the following points -

|        | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|--------|----------------------------|----------------------------|
| (i)    | 9°32'39"                   | 141°32'15"                 |
| (ii)   | 9°32'35"                   | 141°32'11"                 |
| (iii)  | 9°32'07"                   | 141°31'50"                 |
| (iv)   | 9°32'02"                   | 141°31'54"                 |
| (v)    | 9°31'56"                   | 141°31'58"                 |
| (vi)   | 9°31'51"                   | 141°32'02"                 |
| (vii)  | 9°31'29"                   | 141°32'17"                 |
| (viii) | 9°31'27"                   | 141°32'19"                 |
| (ix)   | 9°31'24"                   | 141°32'21"                 |
| (x)    | 9°30'40"                   | 141°33'32"                 |

|           | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|-----------|----------------------------|----------------------------|
| (xi)      | 9°30'08"                   | 141°34'01"                 |
| (xii)     | 9°30'01"                   | 141°34'05"                 |
| (xiii)    | 9°29'57"                   | 141°34'08"                 |
| (xiv)     | 9°29'51"                   | 141°34'14"                 |
| (xv)      | 9°29'51"                   | 141°34'19"                 |
| (xvi)     | 9°29'58"                   | 141°36'13"                 |
| (xvii)    | 9°30'04"                   | 141°36'16"                 |
| (xviii)   | 9°30'12"                   | 141°36'16"                 |
| (xix)     | 9°30'28"                   | 141°36'18"                 |
| (xx)      | 9°30'47"                   | 141°36'18"                 |
| (xxi)     | 9°31'00"                   | 141°36'15"                 |
| (xxii)    | 9°31'11"                   | 141°36'10"                 |
| (xxiii)   | 9°31'29"                   | 141°36'02"                 |
| (xxiv)    | 9°31'38"                   | 141°35'55"                 |
| (xxv)     | 9°31'47"                   | 141°35'46"                 |
| (xxvi)    | 9°31'50"                   | 141°35'42"                 |
| (xxvii)   | 9°32'02"                   | 141°35'21"                 |
| (xxviii)  | 9°36'21"                   | 141°34'33"                 |
| (xxix)    | 9°36'24"                   | 141°34'34"                 |
| (xxx)     | 9°36'35"                   | 141°34'33"                 |
| (xxxi)    | 9°36'49"                   | 141°34'26"                 |
| (xxxii)   | 9°36'56"                   | 141°34'21"                 |
| (xxxiii)  | 9°37'05"                   | 141°34'02"                 |
| (xxxiv)   | 9°37'14"                   | 141°33'47"                 |
| (xxxv)    | 9°37'15"                   | 141°33'28"                 |
| (xxxvi)   | 9°37'13"                   | 141°33'25"                 |
| (xxxvii)  | 9°37'09"                   | 141°33'22"                 |
| (xxxviii) | 9°37'03"                   | 141°33'21"                 |
| (xxxix)   | 9°36'58"                   | 141°33'22"                 |
| (xl)      | 9°36'52"                   | 141°33'27"                 |

Territorial Sea of Pearce Cay

The outer limit of that part of the territorial sea of Pearce Cay which lies north of the line referred to in paragraph 1 of article 4 of this Treaty shall be a continuous line -

- (a) commencing at the point of Latitude 9°33'00" South, Longitude 143°14'51" East;

(b) thence along a series of intersecting arcs of circles having a radius of three miles and drawn successively from the following points -

|        | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|--------|----------------------------|----------------------------|
| (i)    | 9°30'56"                   | 143°17'03"                 |
| (ii)   | 9°30'53"                   | 143°17'03"                 |
| (iii)  | 9°30'50"                   | 143°17'08"                 |
| (iv)   | 9°30'46"                   | 143°17'19"                 |
| (v)    | 9°30'43"                   | 143°17'26"                 |
| (vi)   | 9°30'42"                   | 143°17'34"                 |
| (vii)  | 9°30'41"                   | 143°17'43"                 |
| (viii) | 9°30'48"                   | 143°17'42"                 |
| (ix)   | 9°30'50"                   | 143°17'40"                 |

to the point of Latitude 9°33'00" South, Longitude 143°19'46" East; and

(c) thence along the parallel of Latitude 9°33'00" South to the point of commencement.

#### Territorial Sea of Turnagain Island

The outer limit of the territorial sea of Turnagain Island shall be a continuous line formed by a series of intersecting arcs of circles having a radius of three miles, and drawn successively, so as to enclose the island, from the following points -

|         | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|---------|----------------------------|----------------------------|
| (i)     | 9°32'54"                   | 142°10'47"                 |
| (ii)    | 9°32'54"                   | 142°10'44"                 |
| (iii)   | 9°32'54"                   | 142°10'40"                 |
| (iv)    | 9°32'52"                   | 142°10'36"                 |
| (v)     | 9°32'49"                   | 142°10'35"                 |
| (vi)    | 9°32'44"                   | 142°10'36"                 |
| (vii)   | 9°32'23"                   | 142°10'54"                 |
| (viii)  | 9°32'11"                   | 142°11'39"                 |
| (ix)    | 9°32'10"                   | 142°11'45"                 |
| (x)     | 9°32'15"                   | 142°11'54"                 |
| (xi)    | 9°32'37"                   | 142°14'59"                 |
| (xii)   | 9°32'36"                   | 142°15'08"                 |
| (xiii)  | 9°32'37"                   | 142°15'14"                 |
| (xiv)   | 9°32'40"                   | 142°15'24"                 |
| (xv)    | 9°32'44"                   | 142°15'40"                 |
| (xvi)   | 9°32'44"                   | 142°15'47"                 |
| (xvii)  | 9°32'45"                   | 142°15'53"                 |
| (xviii) | 9°32'48"                   | 142°16'04"                 |
| (xix)   | 9°32'51"                   | 142°16'16"                 |
| (xx)    | 9°32'53"                   | 142°16'28"                 |

|           | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|-----------|----------------------------|----------------------------|
| (xxi)     | 9°32'54"                   | 142°16'34"                 |
| (xxii)    | 9°32'56"                   | 142°16'39"                 |
| (xxiii)   | 9°32'58"                   | 142°16'49"                 |
| (xxiv)    | 9°33'02"                   | 142°17'01"                 |
| (xxv)     | 9°33'03"                   | 142°17'12"                 |
| (xxvi)    | 9°33'05"                   | 142°17'18"                 |
| (xxvii)   | 9°33'11"                   | 142°17'30"                 |
| (xxviii)  | 9°33'14"                   | 142°17'40"                 |
| (xxix)    | 9°33'16"                   | 142°17'50"                 |
| (xxx)     | 9°33'18"                   | 142°18'00"                 |
| (xxxi)    | 9°33'21"                   | 142°18'09"                 |
| (xxxii)   | 9°33'23"                   | 142°18'16"                 |
| (xxxiii)  | 9°33'28"                   | 142°18'27"                 |
| (xxxiv)   | 9°33'33"                   | 142°18'42"                 |
| (xxxv)    | 9°33'35"                   | 142°18'51"                 |
| (xxxvi)   | 9°33'38"                   | 142°19'03"                 |
| (xxxvii)  | 9°33'41"                   | 142°19'12"                 |
| (xxxviii) | 9°33'42"                   | 142°19'19"                 |
| (xxxix)   | 9°33'44"                   | 142°19'25"                 |
| (xl)      | 9°33'47"                   | 142°19'38"                 |
| (xli)     | 9°33'49"                   | 142°19'40"                 |
| (xlii)    | 9°34'15"                   | 142°20'11"                 |
| (xliii)   | 9°34'19"                   | 142°20'16"                 |
| (xliv)    | 9°34'23"                   | 142°20'17"                 |
| (xlv)     | 9°34'29"                   | 142°20'14"                 |
| (xlvi)    | 9°34'34"                   | 142°20'10"                 |
| (xlvii)   | 9°34'42"                   | 142°20'03"                 |
| (xlviii)  | 9°34'46"                   | 142°19'58"                 |
| (xlix)    | 9°34'49"                   | 142°19'52"                 |
| (l)       | 9°34'52"                   | 142°19'32"                 |
| (li)      | 9°34'52"                   | 142°19'24"                 |
| (lii)     | 9°34'52"                   | 142°19'15"                 |
| (liii)    | 9°34'50"                   | 142°19'05"                 |
| (liv)     | 9°34'48"                   | 142°18'54"                 |
| (lv)      | 9°34'46"                   | 142°18'39"                 |
| (lvi)     | 9°34'43"                   | 142°18'28"                 |
| (lvii)    | 9°34'40"                   | 142°18'11"                 |
| (lviii)   | 9°34'38"                   | 142°18'05"                 |
| (lix)     | 9°34'52"                   | 142°17'56"                 |
| (lx)      | 9°34'30"                   | 142°17'39"                 |
| (lxi)     | 9°34'23"                   | 142°17'09"                 |
| (lxii)    | 9°34'21"                   | 142°16'55"                 |
| (lxiii)   | 9°34'19"                   | 142°16'39"                 |
| (lxiv)    | 9°34'16"                   | 142°16'29"                 |
| (lxv)     | 9°34'07"                   | 142°15'58"                 |
| (lxvi)    | 9°34'05"                   | 142°15'49"                 |
| (lxvii)   | 9°34'01"                   | 142°15'41"                 |
| (lxviii)  | 9°33'50"                   | 142°15'17"                 |
| (lxix)    | 9°33'48"                   | 142°15'10"                 |
| (lxx)     | 9°33'44"                   | 142°15'00"                 |

|          | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|----------|----------------------------|----------------------------|
| (lxxi)   | 9°33'35"                   | 142°14'48"                 |
| (lxxii)  | 9°33'24"                   | 142°14'31"                 |
| (lxxiii) | 9°33'09"                   | 142°13'59"                 |
| (lxxiv)  | 9°33'08"                   | 142°13'53"                 |

Territorial Sea of Turu Cay

The outer limit of the territorial sea of Turu Cay shall be a continuous line formed by a series of intersecting arcs of circles having a radius of three miles and drawn successively, so as to enclose the island, from the following points -

|         | <u>Latitude</u><br>(South) | <u>Longitude</u><br>(East) |
|---------|----------------------------|----------------------------|
| (i)     | 9°49'53"                   | 141°24'42"                 |
| (ii)    | 9°49'39"                   | 141°24'44"                 |
| (iii)   | 9°49'31"                   | 141°24'52"                 |
| (iv)    | 9°49'25"                   | 141°25'02"                 |
| (v)     | 9°49'23"                   | 141°25'13"                 |
| (vi)    | 9°49'20"                   | 141°25'25"                 |
| (vii)   | 9°49'19"                   | 141°25'36"                 |
| (viii)  | 9°49'18"                   | 141°25'43"                 |
| (ix)    | 9°49'18"                   | 141°25'53"                 |
| (x)     | 9°49'17"                   | 141°26'07"                 |
| (xi)    | 9°49'23"                   | 141°26'09"                 |
| (xii)   | 9°49'26"                   | 141°26'06"                 |
| (xiii)  | 9°49'32"                   | 141°25'58"                 |
| (xiv)   | 9°49'38"                   | 141°25'49"                 |
| (xv)    | 9°49'44"                   | 141°25'38"                 |
| (xvi)   | 9°49'47"                   | 141°25'31"                 |
| (xvii)  | 9°49'53"                   | 141°25'19"                 |
| (xviii) | 9°49'56"                   | 141°25'09"                 |
| (xix)   | 9°49'57"                   | 141°24'54"                 |
| (xx)    | 9°49'56"                   | 141°24'45"                 |

Annex 5

TO THE TREATY BETWEEN AUSTRALIA AND THE INDEPENDENT STATE OF PAPUA NEW GUINEA  
CONCERNING SOVEREIGNTY AND MARITIME BOUNDARIES IN THE AREA BETWEEN THE TWO  
COUNTRIES, INCLUDING THE AREA KNOWN AS TORRES STRAIT, AND RELATED MATTERS

Seabed jurisdiction line

A line -

- (a) commencing at the point of Latitude 10°50'00" South, Longitude 139°12'00" East;
- (b) running thence south-easterly along the geodesic to the point of Latitude 11°09'00" South, Longitude 139°23'00" East;
- (c) thence north-easterly along the geodesic to the point of Latitude 10°59'00" South, Longitude 140°00'00" East;
- (d) thence north-easterly along the geodesic to the point of Latitude 9°46'00" South, Longitude 142°00'00" East;
- (e) thence north-easterly along the geodesic to the point of Latitude 9°45'24" South, Longitude 142°03'30" East;
- (f) thence north-easterly along the geodesic to the point of Latitude 9°42'00" South, Longitude 142°23'00" East;
- (g) thence north-easterly along the geodesic to the point of Latitude 9°40'30" South, Longitude 142°51'00" East;
- (h) thence north-easterly along the geodesic to the point of Latitude 9°40'00" South, Longitude 143°00'00" East;
- (i) thence north-easterly along the geodesic to the point of Latitude 9°33'00" South, Longitude 143°05'00" East;
- (j) thence north-easterly along the geodesic to the point of Latitude 9°33'00" South, Longitude 143°20'00" East;
- (k) thence north-easterly along the geodesic to the point of Latitude 9°24'00" South, Longitude 143°30'00" East;
- (l) thence north-easterly along the geodesic to the point of Latitude 9°22'00" South, Longitude 143°48'00" East;
- (m) thence north-easterly along the geodesic to the point of Latitude 9°30'00" South, Longitude 144°15'00" East;
- (n) thence north-easterly along the geodesic to the point of Latitude 9°51'00" South, Longitude 144°44'00" East;
- (o) thence north-easterly along the geodesic to the point of Latitude 12°20'00" South, Longitude 146°30'00" East;

- (p) thence north-easterly along the geodesic to the point of Latitude  $12^{\circ}38'30''$  South, Longitude  $147^{\circ}08'30''$  East;
- (q) thence north-easterly along the geodesic to the point of Latitude  $13^{\circ}10'30''$  South, Longitude  $148^{\circ}05'00''$  East;
- (r) thence north-easterly along the geodesic to the point of Latitude  $14^{\circ}38'00''$  South, Longitude  $152^{\circ}07'00''$  East;
- (s) thence north-easterly along the geodesic to the point of Latitude  $14^{\circ}45'00''$  South, Longitude  $154^{\circ}15'00''$  East;
- (t) thence north-easterly along the geodesic to the point of Latitude  $14^{\circ}05'00''$  South, Longitude  $156^{\circ}37'00''$  East; and
- (u) thence north-easterly along the geodesic to the point of Latitude  $14^{\circ}04'00''$  South, Longitude  $157^{\circ}00'00''$  East where it terminates.

Annex 8

TO THE TREATY BETWEEN AUSTRALIA AND THE INDEPENDENT STATE OF PAPUA NEW GUINEA  
CONCERNING SOVEREIGNTY AND MARITIME BOUNDARIES IN THE AREA BETWEEN THE TWO  
COUNTRIES, INCLUDING THE AREA KNOWN AS TORRES STRAIT, AND RELATED MATTERS

Fisheries jurisdiction line

A line -

- (a) commencing at the point of Latitude 10°50'00" South, Longitude 139°12'00" East;
- (b) running thence south-easterly along the geodesic to the point of Latitude 11°09'00" South, Longitude 139°23'00" East;
- (c) thence north-easterly along the geodesic to the point of Latitude 10°59'00" South, Longitude 140°00'00" East;
- (d) thence north-easterly along the geodesic to the point of Latitude 9°46'00" South, Longitude 142°00'00" East;
- (e) thence north-easterly along the geodesic to the point of Latitude 9°45'24" South, Longitude 142°03'30" East;
- (f) thence north along the meridian of Longitude 142°03'30" East to its intersection by the parallel of Latitude 9°15'43" South;
- (g) thence north-easterly along the geodesic to the point of Latitude 9°12'50" South, Longitude 142°06'25" East;
- (h) thence north-easterly along the geodesic to the point of Latitude 9°11'51" South, Longitude 142°08'33" East;
- (i) thence north-easterly along the geodesic to the point of Latitude 9°11'58" South, Longitude 142°10'18" East;
- (j) thence north-easterly along the geodesic to the point of Latitude 9°11'22" South, Longitude 142°12'54" East;
- (k) thence north-easterly along the geodesic to the point of Latitude 9°11'34" South, Longitude 142°14'08" East;
- (l) thence north-easterly along the geodesic to the point of Latitude 9°13'53" South, Longitude 142°16'26" East;
- (m) thence north-easterly along the geodesic to the point of Latitude 9°16'04" South, Longitude 142°20'41" East;
- (n) thence north-easterly along the geodesic to the point of Latitude 9°22'04" South, Longitude 142°29'41" East;
- (o) thence north-easterly along the geodesic to the point of Latitude 09°21'48" South, Longitude 142°31'29" East;
- (p) thence north-easterly along the geodesic to the point of Latitude 09°22'33" South, Longitude 142°33'28" East;

- (q) thence north-easterly along the geodesic to the point of Latitude 09°21'25" South, Longitude 142°35'29" East;
- (r) thence north-easterly along the geodesic to the point of Latitude 09°20'21" South, Longitude 142°41'43" East;
- (s) thence north-easterly along the geodesic to the point of Latitude 09°20'16" South, Longitude 142°43'53" East;
- (t) thence north-easterly along the geodesic to the point of Latitude 09°19'26" South, Longitude 142°48'18" East where it joins the outer limit of the three-mile territorial sea of Saibai Island;
- (u) thence along that outer limit so as to pass to the east of Saibai Island to the point of Latitude 9°23'40" South, Longitude 142°51'00" East;
- (v) thence south along the meridian of Longitude 142°51'00" East to its intersection by the parallel of Latitude 9°40'30" South;
- (w) thence north-easterly along the geodesic to the point of Latitude 9°40'00" South, Longitude 143°00'00" East;
- (x) thence north-easterly along the geodesic to the point of Latitude 9°33'00" South, Longitude 143°05'00" East;
- (y) thence east along the parallel of Latitude 9°33'00" South to its intersection by the meridian of Longitude 143°20'00" East;
- (z) thence north-easterly along the geodesic to the point of Latitude 09°24'00" South, Longitude 143°30'00" East;
- (za) thence north-easterly along the geodesic to the point of Latitude 09°22'00" South, Longitude 143°48'00" East;
- (zb) thence north-easterly along the geodesic to the point of Latitude 09°30'00" South, Longitude 144°15'00" East;
- (zc) thence north-easterly along the geodesic to the point of Latitude 09°51'00" South, Longitude 144°44'00" East;
- (zd) thence north-easterly along the geodesic to the point of Latitude 12°20'00" South, Longitude 146°30'00" East;
- (ze) thence north-easterly along the geodesic to the point of Latitude 12°38'30" South, Longitude 147°08'30" East;
- (zf) thence north-easterly along the geodesic to the point of Latitude 13°10'30" South, Longitude 148°05'00" East;
- (zg) thence north-easterly along the geodesic to the point of Latitude 14°38'00" South, Longitude 152°07'00" East;
- (zh) thence north-easterly along the geodesic to the point of Latitude 14°45'00" South, Longitude 154°15'00" East;
- (zi) thence north-easterly along the geodesic to the point of Latitude 14°05'00" South, Longitude 156°37'00" East where it terminates.

Annex 9

TO THE TREATY BETWEEN AUSTRALIA AND THE INDEPENDENT STATE OF PAPUA NEW GUINEA  
CONCERNING SOVEREIGNTY AND MARITIME BOUNDARIES IN THE AREA BETWEEN THE TWO  
COUNTRIES, INCLUDING THE AREA KNOWN AS TORRES STRAIT, AND RELATED MATTERS

Protected Zone

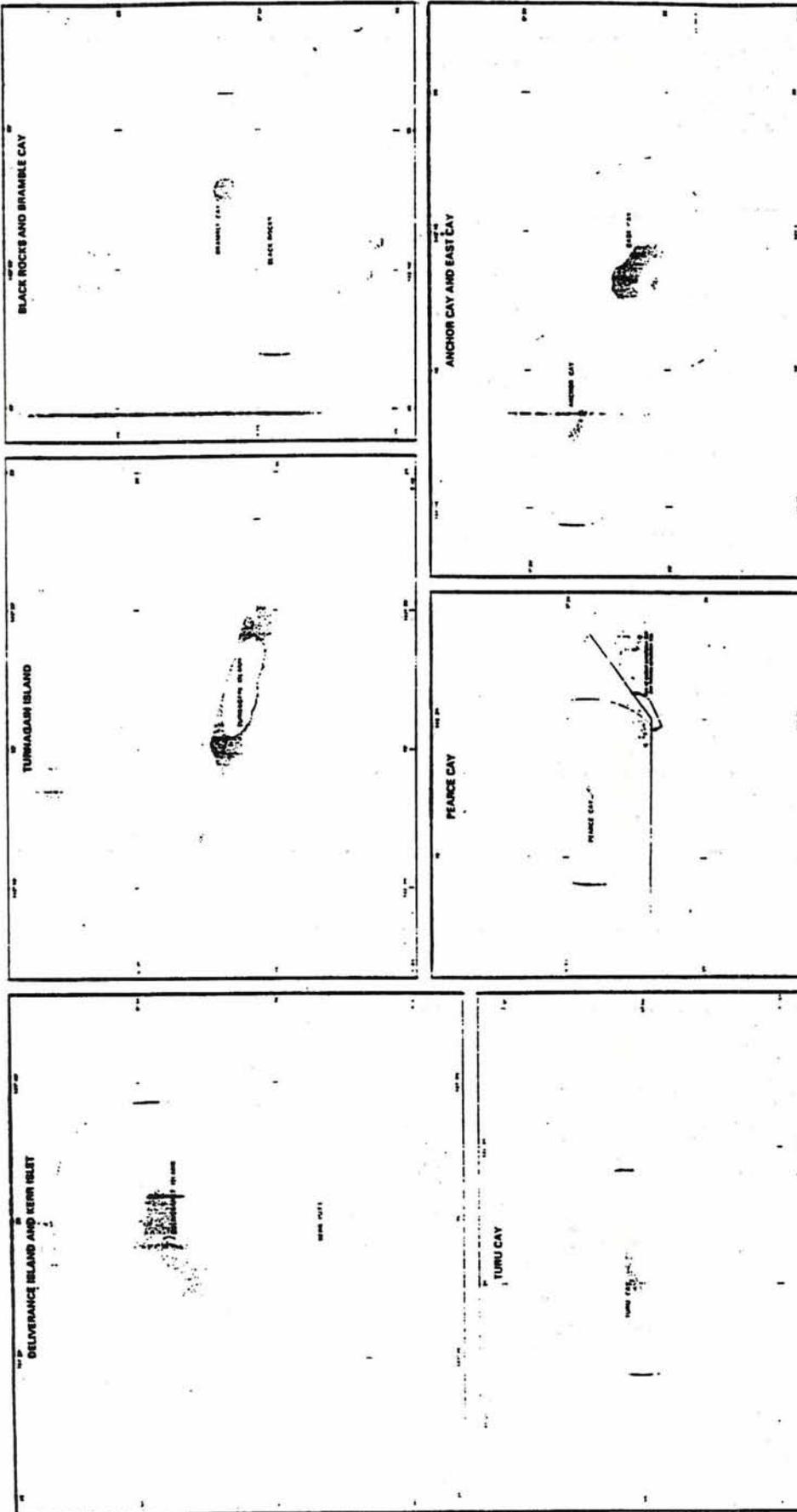
A line -

- (a) commencing at the point of Latitude 10°28'00" South, Longitude 144°10'00" East;
- (b) running thence west along the parallel of Latitude 10°28'00" South, to its intersection by the meridian of Longitude 141°20'00" East;
- (c) thence north along that meridian to its intersection by the parallel of Latitude 9°33'00" South;
- (d) thence north-easterly along the geodesic to the point of Latitude 9°13'00" South, Longitude 141°57'00" East;
- (e) thence north along the meridian of Longitude 141°57'00" East to its intersection by the southern coastline of the island of New Guinea at low water;
- (f) thence generally easterly along the southern coastline of the island of New Guinea, that is along the low water line on that coast and across any river mouth and in the case of the mouth of the Mai Kussa River along the parallel of Latitude 9°09'00" South, thence along the southern coastline of the island of New Guinea, that is along the low water line on that coast and across any river mouth to its intersection by the meridian of Longitude 142°36'00" East;
- (g) thence south along that meridian to its intersection by the parallel of Latitude 9°21'00" South;
- (h) thence north-easterly along the geodesic to the point of Latitude 9°09'00" South, Longitude 143°47'20" East;
- (i) thence along the outer limit of the three-mile territorial sea of Black Rocks, so as to pass to the north-west of Black Rocks, to the point of intersection of that limit by the outer limit of the three-mile territorial sea of Bramble Cay;
- (j) thence along that outer limit, so as to pass successively to the north and east of Bramble Cay, to the point of Latitude 9°10'50" South, Longitude 143°55'40" East;
- (k) thence north-easterly along the geodesic to the point of Latitude 9°18'40" South, Longitude 144°06'10" East;
- (l) thence along the outer limit of the three-mile territorial sea of Anchor Cay, so as to pass to the north of Anchor Cay, to the point of intersection of that limit by the outer limit of the three-mile territorial sea of East Cay;

- (m) thence along that outer limit, so as to pass successively to the north and East Cay, to the point of Latitude  $9^{\circ}26'50''$  South, Longitude  $144^{\circ}16'50''$  East;
- (n) thence south-easterly along the geodesic to the point of Latitude  $9^{\circ}35'15''$  South, Longitude  $144^{\circ}28'41''$  East;
- (o) thence south along the meridian of Longitude  $144^{\circ}28'00''$  East to its intersection by the parallel of Latitude  $9^{\circ}54'00''$  South;
- (p) thence south-westerly along the geodesic to the point of Latitude  $10^{\circ}15'00''$  South, Longitude  $144^{\circ}12'00''$  East; and
- (q) thence south-westerly along the geodesic to the point of commencement.



ANNEX 4  
This chart shows the location of the islands and reefs of the Phoenix Islands Group in the western part of the Pacific Ocean. It is a continuation of the chart of the Phoenix Islands Group in the eastern part of the Pacific Ocean.



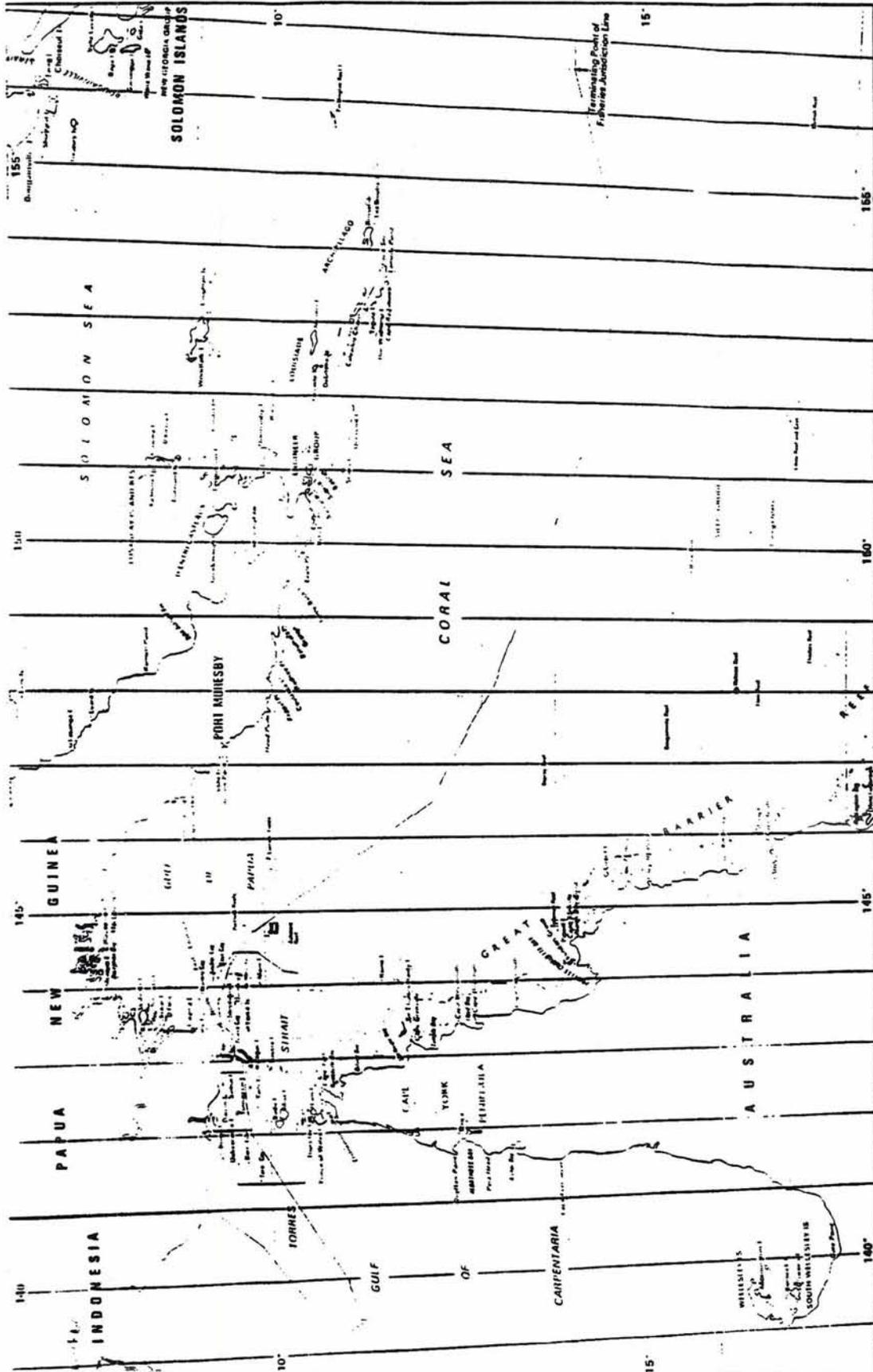
This chart shows the location of the islands and reefs of the Phoenix Islands Group in the western part of the Pacific Ocean. It is a continuation of the chart of the Phoenix Islands Group in the eastern part of the Pacific Ocean.



Prepared by  
The Hydrographic Service, Port Moresby,  
and  
The Director of Hydrographic Services,  
Colon.

100

ANNEX 8 to the Treaty between Australia and the Independent State of Papua New Guinea and the United Kingdom concerning the delimitation of the maritime boundary between the two States in Torres Strait, and adjacent waters.

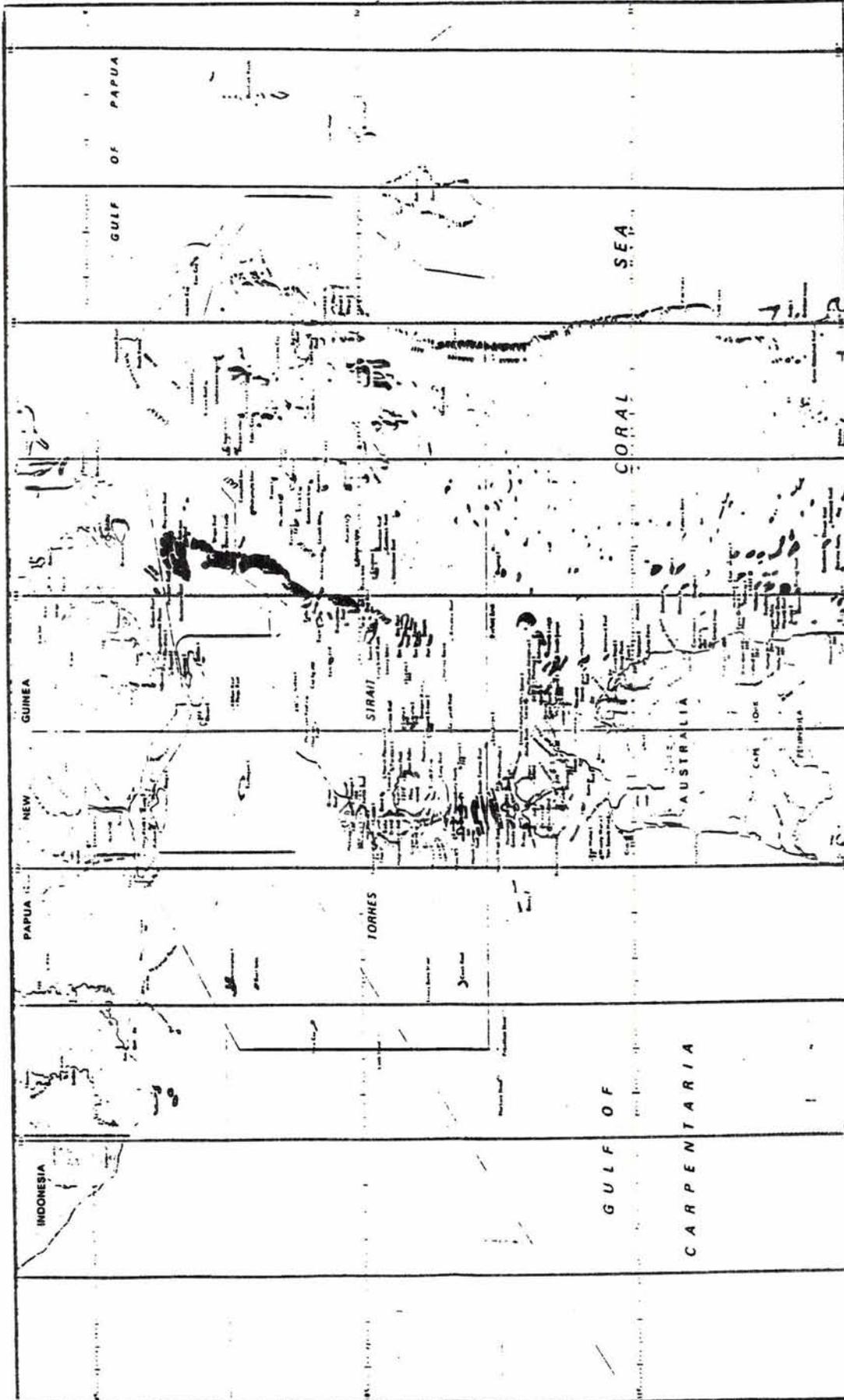


Continuing Point of Fisheries Jurisdiction Line  
Continuing Point of Fisheries Jurisdiction Line  
Continuing Point of Fisheries Jurisdiction Line  
Continuing Point of Fisheries Jurisdiction Line

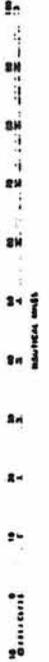


Prepared by the Director of Hydrographic Survey, Canberra, and the National Mapping Service, Port Moresby.

ANNEX 7 to the Treaty between Australia and the Independent State of Papua New Guinea concerning sovereignty and maritime boundaries in the area between the two countries including the Gulf of Papua, the Torres Strait and the Coral Sea.



Dotted Jurisdiction Line  
 Dashed Jurisdiction Line  
 Solid Jurisdiction Line  
 and  
 Proposed Jurisdiction Line



Prepared by the Division of National Mapping,  
 Canberra and the National Mapping Bureau,  
 Port Moresby.

Indonesia/Singapore

Agreement between Indonesia and Singapore concerning territorial  
sea boundary, 25 May 1973 1/

[Original: English and Indonesian]

The Governments of the Republic of Indonesia and the Republic of Singapore signed a territorial sea boundary agreement on 25 May 1973. Indonesia ratified the agreement on 3 December 1973; Singapore ratified the agreement on 29 August 1974. Neither country is a party to the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.

The "Agreement Stipulating the Territorial Sea Boundary Lines between Indonesia and the Republic of Singapore in the Strait of Singapore" specified that:

Article I

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

| <u>Points</u> | <u>Latitude North</u> | <u>Longitude East</u> |
|---------------|-----------------------|-----------------------|
| 1             | 1° 10' 46".0          | 103° 40' 14".6        |
| 2             | 1° 07' 49".3          | 103° 44' 26".5        |
| 3             | 1° 10' 17".2          | 103° 48' 18".0        |
| 4             | 1° 11' 45".5          | 103° 51' 35".4        |
| 5             | 1° 12' 26".1          | 103° 52' 50".7        |
| 6             | 1° 16' 10".2          | 104° 02' 00".0        |

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

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

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

---

1/ Source: Limits in the Seas, No. 60 (Office of the Geographer, Bureau of Intelligence and Research of the United States Department of State). Entered into force on 11 November 1974.

Article II

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

Article III

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

Article IV

This Treaty shall enter into force on the date of the exchange of the Instruments of Ratification.

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

Indonesia/India

- (a) Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia relating to the delimitation of the continental shelf boundary between the two countries, Jakarta 8 August 1974

[Original: English, Hindi and Indonesian]

The Government of the Republic of India and

The Government of the Republic of Indonesia

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

AND DESIRING to establish the continental shelf boundary between the two countries,

HAVE AGREED AS FOLLOWS:

ARTICLE I

(1) The boundary of the Indian and the Indonesian continental shelf in the area between Great Nicobar (India) and Sumatra (Indonesia) is the straight lines connecting Points 1 and 2, 2 and 3, and 3 and 4. The coordinates of these Points are specified below:

|          |              |             |
|----------|--------------|-------------|
| Point 1: | 06° 38'.5 N, | 94° 38'.0 E |
| Point 2: | 06° 30'.0 N, | 94° 32'.4 E |
| Point 3: | 06° 16'.2 N, | 94° 24'.2 E |
| Point 4: | 06° 00'.0 N, | 94° 10'.3 E |

(2) The coordinates of the Points specified in clause (1) are geographical coordinates and the straight lines connecting them are indicated on the chart attached as Annexure A to this Agreement.

(3) The actual location of the above-mentioned Points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the two Governments.

(4) For the purpose of clause (3), "competent authorities" in relation to the Republic of India means the Chief Hydrographer to the Government of India and includes any person authorised by him, and in relation to the Republic of Indonesia means the Direktur Badan Koordinasi Survey dan Pametaan National (Director of Coordinating Body for National Survey and Mapping) and includes any person authorised by him.

ARTICLE II

Each Government hereby undertakes to ensure that all the necessary steps shall be taken at the domestic level to comply with the terms of this Agreement.

ARTICLE III

If any single geological petroleum or natural gas structure or field, or other mineral deposit of whatever character, extends across the boundary line referred to in article I, the two Governments shall communicate to each other all information in this regard and shall seek to reach agreement as to the manner in which the structure, field or deposit will be most effectively exploited and the benefits arising from such exploitation will be equitably shared.

ARTICLE IV

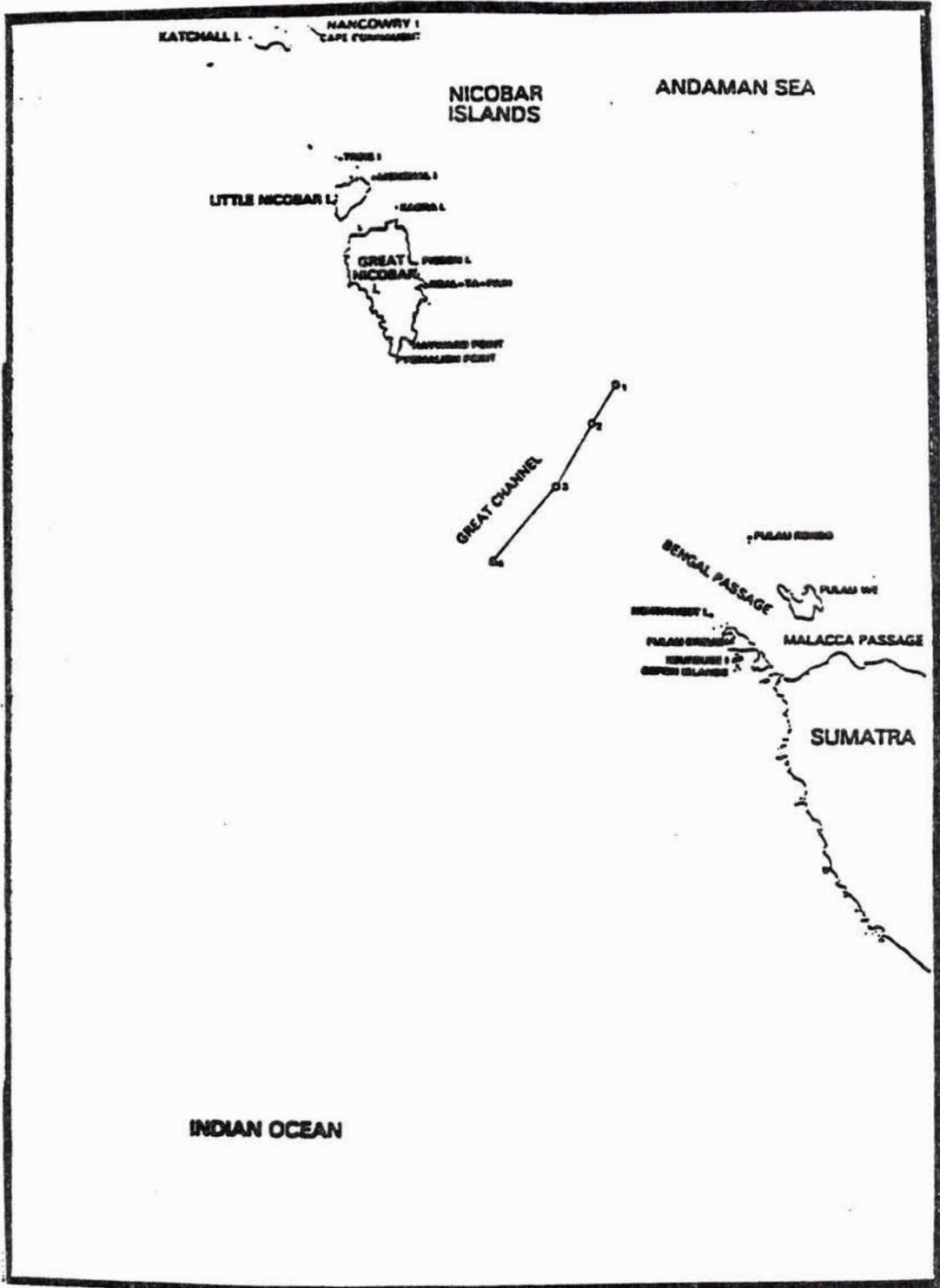
Any dispute between the two Governments relating to the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

ARTICLE V

This Agreement shall be ratified in accordance with the constitutional requirements of each country. It shall enter into force on the date of the exchange of the Instruments of Ratification which will take place at Delhi as soon as possible.

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

DONE in duplicate at Jakarta on the eighth day of August 1974, in the Hindi, Indonesian and English languages. In the event of any conflict between the texts, the English text shall prevail.



- (b) Agreement between the Government of the Republic of India and the Government of the Republic of Indonesia on the extension of the 1974 continental shelf boundary between the two countries in the Andaman Sea and the Indian Ocean, 14 January 1977

[Original: English, Hindi and Indonesian]

The Government of the Republic of India and the Government of the Republic of Indonesia,

RECALLING the Agreement between the Republic of India and the Republic of Indonesia relating to the Delimitation of the Continental Shelf Boundary between the two countries signed on 8th August, 1974\* which, upon the exchange of instruments of ratification in New Delhi on 17th December, 1974 entered into force with effect from that date,

DESIRING to extend this boundary between the two countries in the Andaman Sea and the Indian Ocean in areas not covered by the aforementioned Agreement,

AND RESOLVING, as good neighbours and in a spirit of cooperation and friendship, to settle permanently the limits of the areas referred to in the preceding paragraph within which the respective Governments shall exercise sovereign rights,

HAVE AGREED as follows:

#### ARTICLE 1

In the area of the Andaman Sea:

The boundary of the seabed between India and Indonesia in the Andaman Sea is the straight lines connecting points l and K, points K and N, and points N and O.

The co-ordinates of these points are specified below:

|          |               |               |
|----------|---------------|---------------|
| Point l: | 06° 38' .5 N  | 94° 38' .0 E  |
| Point K: | 07° 02' 24" N | 94° 55' 37" E |
| Point N: | 07° 40' 06" N | 95° 25' 45" E |
| Point O: | 07° 46' 06" N | 95° 31' 12" E |

#### ARTICLE 2

In the area of the Indian Ocean:

The boundary of the seabed between India and Indonesia in the Indian Ocean is the straight lines connecting points 4 and R, points R and S, points S and T and points T and U.

---

\* For the text, see p. 222.

The co-ordinates of these points are specified below:

|          |               |               |
|----------|---------------|---------------|
| Point 4: | 06° 00' .0 N  | 94° 10' .3 E  |
| Point R: | 05° 25' 20" N | 93° 41' 12" E |
| Point S: | 04° 27' 34" N | 92° 51' 17" E |
| Point T: | 04° 18' 31" N | 92° 43' 31" E |
| Point U: | 04° 01' 40" N | 92° 23' 55" E |

#### ARTICLE 3

1. The co-ordinates of the points specified in articles 1 and 2 are geographical co-ordinates and the straight lines joining them are indicated on the chart attached as Annexure B to this Agreement.

2. The actual location of these points at sea and of the lines joining them shall be determined by a method to be mutually agreed upon by the competent authorities of the two Governments.

3. For the purpose of paragraph 2 of this article, the "competent authorities" in relation to the Republic of India shall be the Chief Hydrographer to the Government of India and includes any person authorised by him, and in relation to the Republic of Indonesia shall be the Ketua Badan Koordinasi Survey dan Pemetaan Nasional (Chief of the Co-ordinating Body for National Survey and Mapping) and includes any person authorised by him.

#### ARTICLE 4

The Government of the Republic of India and the Government of the Republic of Indonesia recognize and acknowledge the sovereign rights of the respective Governments in and over the seabed areas, including the subsoil thereof, within the limits established by this Agreement.

#### ARTICLE 5

If any single geological petroleum or natural gas structure or field, or other mineral deposit of whatever character, extends across the boundary line referred to in articles 1 and 2, the two Governments shall communicate to each other all information in this regard and shall seek to reach agreement as to the manner in which the structure, field or deposit will be most effectively exploited and the benefits arising from such exploitation will be equitably shared.

#### ARTICLE 6

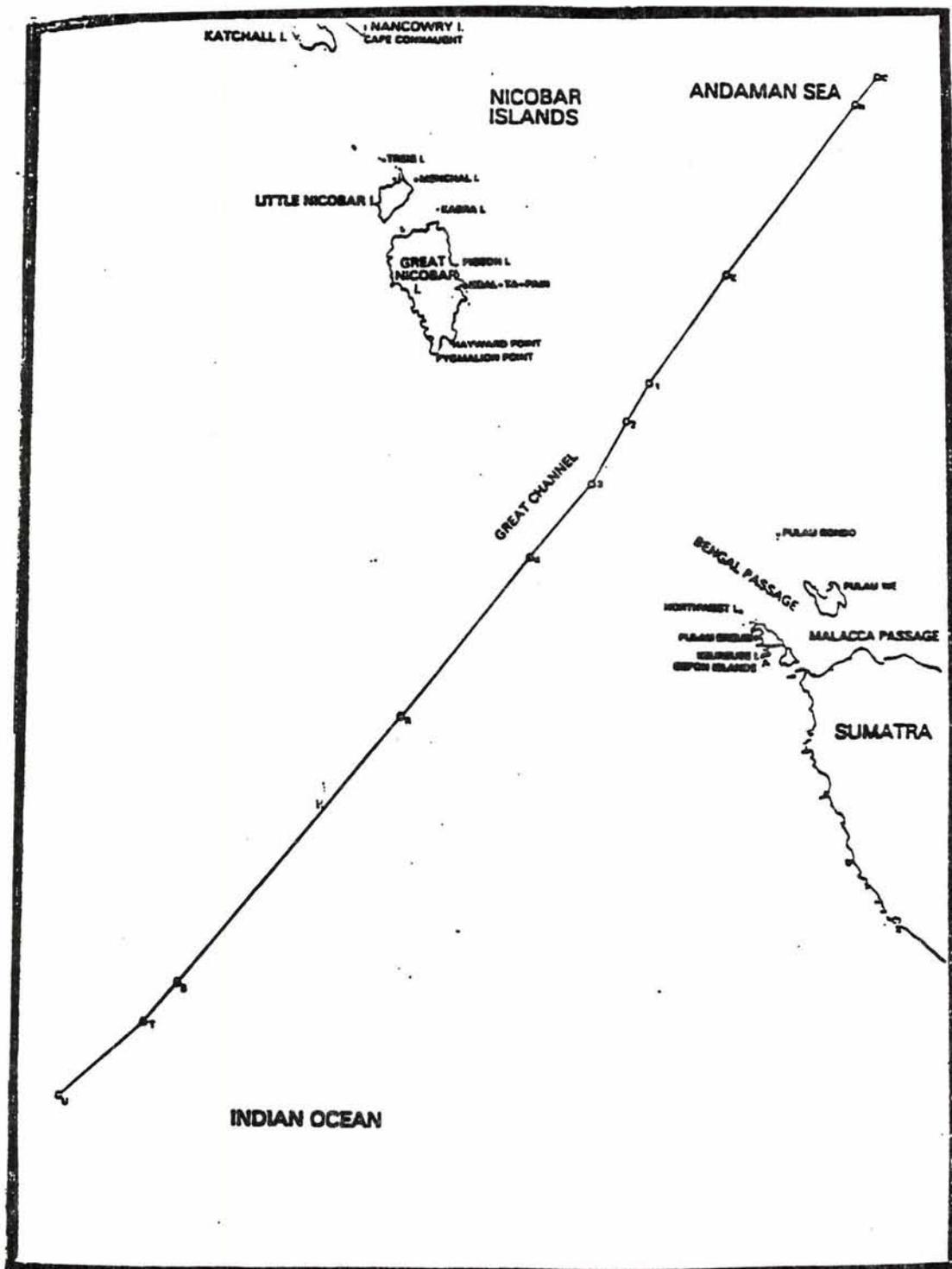
Any dispute between the two Governments relating to the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

ARTICLE 7

This Agreement shall be ratified in accordance with the constitutional requirements of each country. It shall enter into force on the date of the exchange of the Instruments of Ratification which will take place at Jakarta as soon as possible.

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

DONE in duplicate at New Delhi on the 14th January, 1977, in the Hindi, Indonesian and English languages. In the event of any conflict between the texts, the English text shall prevail.



France/Fiji

- (a) Agreement between the Government of the Republic of France and the Government of Fiji relating to the delimitation of their economic zone, 19 January 1983 1/

[Original: English and French]

The Government of the Republic of France and the Government of Fiji,

Desirous of strengthening the bonds of neighbourliness and friendship between the two countries;

Having decided to delimit the economic zones around their territories;

Taking into account the work of the Third Conference of the United Nations on the Law of the Sea and the relevant principles of international law;

The Government of Fiji having proposed that this delimitation be made according to the method of equidistance;

The Government of France having accepted this proposal as being, in the present case, in conformity with the application of equitable principles;

Referring to the conclusions of the meetings which took place in Paris on 8th March 1979 and 25th October 1980 and in Brussels on 30th January 1981, between the representatives of the two Governments;

Have agreed as follows:

Article 1

The delimitation between the economic zone of the Republic of France around the territories of New Caledonia and Wallis and Futuna and the exclusive economic zone of Fiji is based on the line of equidistance, with certain minor divergencies for administrative convenience. The line has been determined by using the nearest points of the baselines from which the territorial sea of each country is measured. In the case of France, the baseline is drawn in conformity with the Acts of 24th December 1971 and 28th December 1976. In the case of Fiji, the baseline is the archipelagic baseline drawn in accordance with the Fiji Marine Spaces Act of 15th December 1977.

Article 2

1. The line of delimitation determined in accordance with article 1 is formed by the arcs of geodesics joining the points listed in Annex I to this Agreement, in the sequence given in the said Annex, which is an integral part of the Agreement.

2. This line has been drawn for illustrative purposes on the Chart forming Annex II to this Agreement.

---

1/ Source: Government of Fiji.

Article 3

This Agreement is without prejudice to sovereign rights of any neighbouring State in the areas to which it applies.

Article 4

Each party shall notify the other of the completion of its constitutional procedures necessary to bring this Agreement into force. The Agreement shall enter into force on the date of receipt of the later of those notifications.

IN WITNESS WHEREOF, the representatives of the two Governments, being duly authorised for this purpose, have signed this Agreement.

DONE at Suva, the nineteenth day of January, one thousand nine hundred and eighty three in two originals, each in the English and French languages, the two texts being equally authoritative.

Annex I

A. Between France (New Caledonia) and Fiji

|    |               |                |
|----|---------------|----------------|
| 1. | 25° 04' 23" S | 174° 16' 32" E |
| 2. | 20° 01' 21" S | 172° 45' 53" E |

B. Between France (Wallis and Futuna) and Fiji

|    |               |                |
|----|---------------|----------------|
| 1. | 15° 56' 12" S | 177° 22' 35" W |
| 2. | 15° 17' 47" S | 178° 31' 00" W |
| 3. | 14° 48' 18" S | 179° 14' 23" W |
| 4. | 13° 19' 41" S | 179° 29' 39" E |
| 5. | 13° 14' 05" S | 179° 31' 48" E |

The positions of the points in this Annex are defined by latitude and longitude on World Geodetic System 1972 (WGS 72).



- (b) 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,  
8 November 1990 1/

[Original: English and French]

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, is reproduced 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.

Papua New Guinea/Indonesia

Agreement between the Government of Papua New Guinea and the Government of the Republic of Indonesia concerning maritime boundaries between Papua New Guinea and the Republic of Indonesia and co-operation on related matters, 13 December 1980

[Original: English and Indonesian]

Recalling the Agreements between the Government of the Republic of Indonesia and the Government of the Commonwealth of Australia, signed on the eighteenth day of May One Thousand nine-hundred and seventy-one (in this Agreement called "the 1971 Seabed Agreement"), the ninth day of October One thousand nine-hundred and seventy-two (in this Agreement called "the 1972 Supplementary Agreement") and on the twelfth day of February One thousand nine-hundred and seventy-three (in this Agreement called "the 1973 Supplementary Agreement") respectively which delimited certain areas of the continental shelf that is adjacent to and appertains to the Republic of Indonesia and certain areas of the continental shelf that is adjacent to and appertains to Papua New Guinea,

Recalling further that in the 1971 Seabed Agreement the Government of the Republic of Indonesia and the Government of the Commonwealth of Australia left for later agreement the delimitation of the respective areas of the continental shelf in the Pacific Ocean northward of Latitude 2° 8' 30" South, Longitude 141° 1' 30" East (in this Agreement called "Point C2"),

Resolving, as good neighbours and in a spirit of co-operation and friendship, to settle permanently the limits of the areas referred to in the preceding paragraph within which the Government of the Republic of Indonesia and the Government of Papua New Guinea shall respectively exercise sovereign rights with respect to the exploration of the continental shelf and the exploitation of its natural resources;

Taking account of the recent developments in the Law of the Sea regarding the regime of the continental shelf and exclusive economic zone,

HAVE AGREED AS FOLLOWS:

Article 1

In this Agreement the term "continental shelf" means, in accordance with international law, the seabed and subsoil of the submarine areas that extend beyond the territorial seas of the Republic of Indonesia and Papua New Guinea throughout the natural prolongation of their land territory to the outer edge of the continental margin does not extend to that distance.

Article 2

1. In accordance with the principle referred to in paragraph 1 of article 4 of the 1971 Seabed Agreement, the boundary between the area of the continental shelf that is adjacent to and appertains to Papua New Guinea northward of Point C2 shall be straight lines shown on the Chart annexed to this Agreement

commencing at Point C2, thence connecting in a northerly direction the points specified hereunder in the sequence so specified:

|    |           |                   |
|----|-----------|-------------------|
| C3 | Latitude  | 1° 04' 35" South  |
|    | Longitude | 141° 24' 00" East |
| C4 | Latitude  | 00° 44' 10" North |
|    | Longitude | 140° 49' 35" East |
| C5 | Latitude  | 1° 01' 35" North  |
|    | Longitude | 140° 48' 35" East |

2. The co-ordinates of the points specified in paragraph 1 of this article are geographical co-ordinates and the actual location of the points and the lines joining them shall be determined by a method to be agreed upon by the competent authorities of the two Governments.

3. The boundary referred to in paragraph 1 of this article shall not prejudice the rights of the two countries, in accordance with international law, to extend such boundary further by drawing straight lines, on the basis of the principle specified in paragraph 1 of this article, from Point C5 northward up to the outer limits of their respective continental shelves over which they exercise sovereign rights for the purpose of exploring it and exploiting its resources, where such sovereign rights exist.

4. For the purpose of paragraph 2 of this article the competent authority in relation to the Republic of Indonesia shall be the Chief of the Co-ordinating Body for National Survey and Mapping (Ketua Badan Koordinasi Survei Dan Pemetaan Nasional) and any person acting with his authority, and in relation to Papua New Guinea shall be the Surveyor General of Papua New Guinea and any person acting with his authority.

### Article 3

If any single accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposits beneath the continental shelf, extend across any of the lines that are specified in article 2 of this Agreement and the part of such accumulation or deposit that is situated on one side of the line is recoverable in fluid form wholly or in part from the other side of the line, the two Governments will seek to reach agreement on the manner in which the accumulation or deposit shall be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

### Article 4

The boundary line referred to in article 2 of this Agreement and in articles 1, 3 and 4 of the 1972 Supplementary Agreement and in article 3 of the 1973 Supplementary Agreement shall, so far as it might be relevant, be the boundary of the exclusive economic zone or fishing zone between the Republic of Indonesia and Papua New Guinea which either Government might establish in accordance with international law.

Article 5

1. The right of nationals of either Party who have, customarily and by traditional methods, fished in the waters of the other Party is recognized and shall be respected.
2. The nature and extent of the right referred to in paragraph 1 of this article shall be determined by Agreement between the Parties.

Article 6

The Parties shall co-operate on the management, conservation and utilisation of the living resources of their respective exclusive economic zones or fishing zones with particular regard to highly migratory species and the participation by third Parties in the exploitation of the living resources of such zones.

Article 7

The Parties shall consult with each other with a view to co-ordinating their policies in accordance with international law on the protection of the marine environment and the conduct of marine research in their respective exclusive economic zones or fishing zones.

Article 8

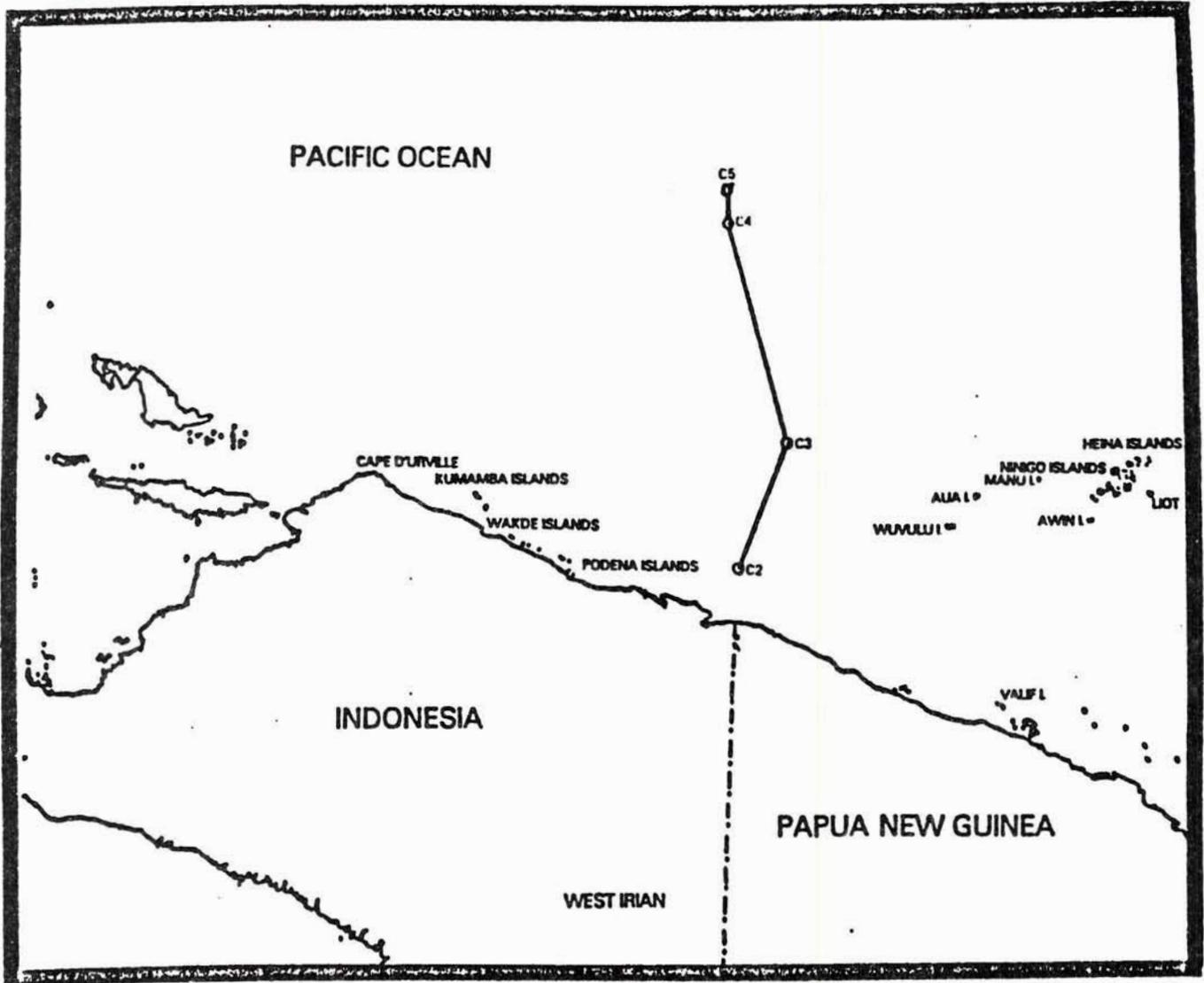
Any dispute between the Parties arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation

Article 9

This Agreement is subject to ratification in accordance with the constitutional requirements of each country and shall enter into force on the day on which the Instruments of Ratification are exchanged.

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

DONE in duplicate on 13 December 1980 in the English and Indonesian languages, both texts being equally authentic. In case of different interpretation, the English text shall prevail.



Solomon Islands/Australia

- (a) Agreement between the Government of Solomon Islands and the Government of Australia establishing certain sea and seabed boundaries, 13 September 1988 1/

[Original: English]

The Government of Solomon Islands and the Government of Australia;

DESIRING to strengthen the bonds of friendship between the two countries;

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 and taking into account the United Nations Convention on the Law of the Sea;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Seaward of Australian reefs in the Coral Sea on the one hand and Solomon Islands reefs on the other hand, the line of delimitation between the Australian Fishing Zone and the Solomon Islands Exclusive Economic Zone and between areas of continental shelf over which each State respectively exercises sovereign rights in accordance with international law lies along the geodesics connecting the following points, defined by their co-ordinates, in the order stated:

| <u>Point</u> | <u>Latitude S</u> | <u>Longitude E</u> |
|--------------|-------------------|--------------------|
| U            | 14° 04' 00"       | 157° 00' 00"       |
| V            | 14° 41' 00"       | 157° 43' 00"       |
| R1           | 15° 44' 07"       | 158° 45' 39"       |

2. The geographical co-ordinates referred to in this article are expressed in terms of the Australian Geodetic Datum 1966 (AGD 66) in respect of point U, and in terms of the World Geodetic System 1972 (WGS 72) in respect of points V and R1. Where for the purposes of this Agreement it is necessary to determine the position on the surface of the Earth of a point, line or area, that position may be determined by reference to either AGD 66 or WGS 72. In the case of AGD 66, that reference shall be in respect of a spheroid having its centre at the centre of the Earth, and a major (equatorial) radius of 6,378,160 metres and a flattening of 100/29825. In the case of WGS 72, that reference shall be in respect of a spheroid having its centre at the centre of the Earth, and a major (equatorial) radius of 6,378,135 metres and a flattening of 100/29826.

---

1/ Transmitted by the Permanent Mission of Australia to the United Nations in a note verbale dated 2 October 1988.

3. The line described in paragraph 1 of this article is shown on the maps annexed to this Agreement as Annex 1 and Annex 2.

#### ARTICLE 2

If any accumulation of liquid hydrocarbons or natural gas, or if any other mineral deposit beneath the sea-bed, extends across the line specified in article 1 of this Agreement and the part of such accumulation or deposit that is situated on one side of the line is exploitable wholly or in part from the other side of the line, the two Governments will seek to reach agreement on the manner in which the accumulation or deposit may be most effectively exploited and on the equitable sharing of the benefits arising from such exploitation.

#### ARTICLE 3

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

#### ARTICLE 4

Each Party shall notify the other of the completion of its constitutional procedures necessary to bring this Agreement into force. The Agreement shall enter into force on the day of receipt of the later of those notifications.

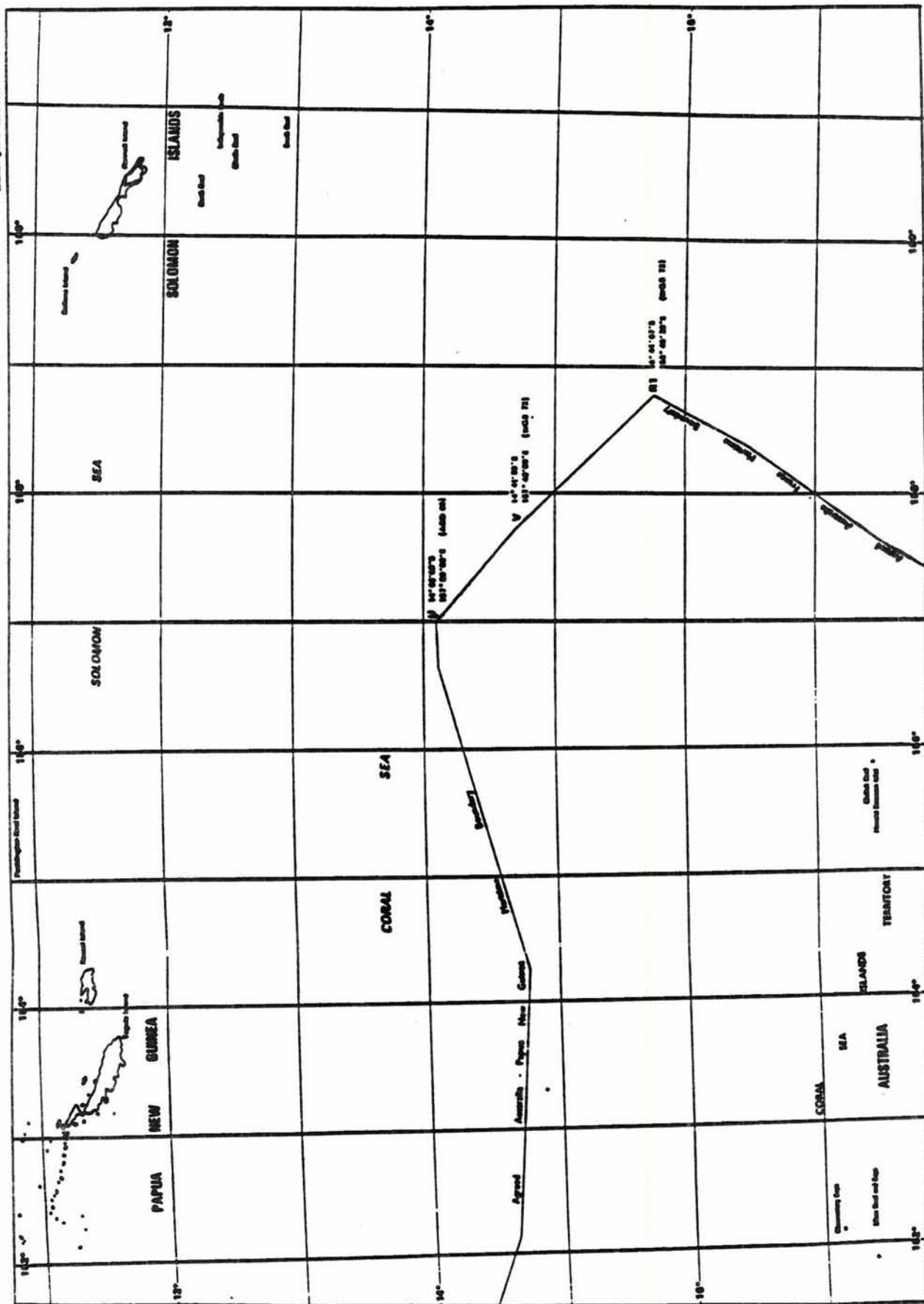
IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Honiara on 13 September 1988 in the English language.



Annex 2

Figure 1 to the Agreement between the Government of Australia and the Government of Papua New Guinea concerning certain air and related boundaries



Agreed Boundaries and Proposed Boundaries Line



Solomon Islands/France

- (b) Agreement on maritime delimitation between the Government of the French Republic and the Government of the Solomon Islands,  
12 November 1990

[Original: English and French]

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.

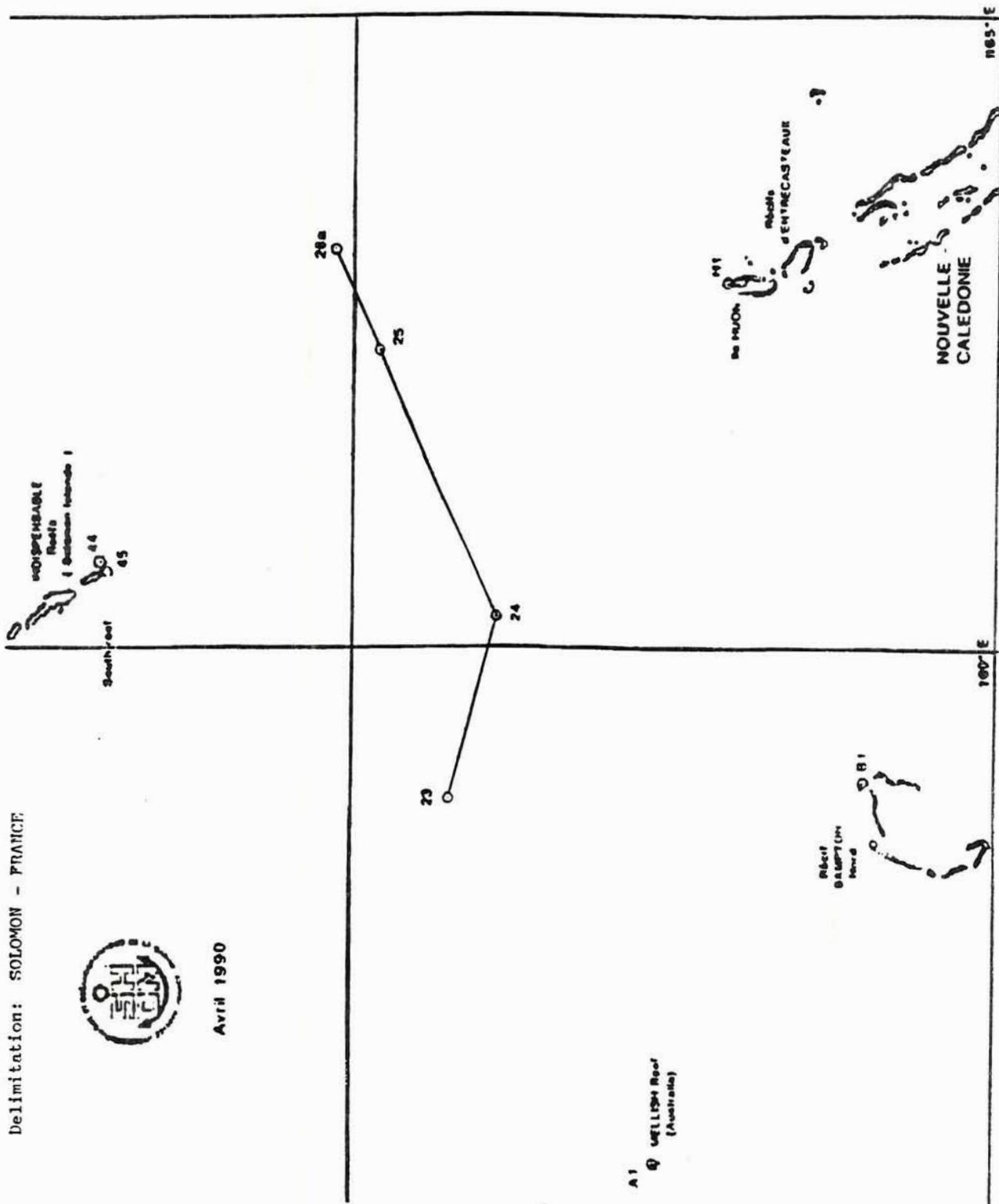
IN WITNESS THEREOF, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement and have affixed thereto their seals.

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  
④ GULLISSE Reef  
(Australia)

Trinidad and Tobago/Venezuela

Treaty between the Republic of Trinidad and Tobago and the Republic  
of Venezuela on the delimitation of marine and submarine areas,  
18 April 1990 1/

[Original: English and Spanish]

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 to 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 |
| 6. Latitude | 10° 42' 52" North; | Longitude | 61° 48' 10" West |
| 7. Latitude | 10° 35' 20" North; | Longitude | 67° 48' 10" West |

---

1/ Communicated by the Permanent Mission of Venezuela to the United Nations on 5 November 1991. Entered into force on 23 July 1991.

|     |          |                    |           |                  |
|-----|----------|--------------------|-----------|------------------|
| 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.

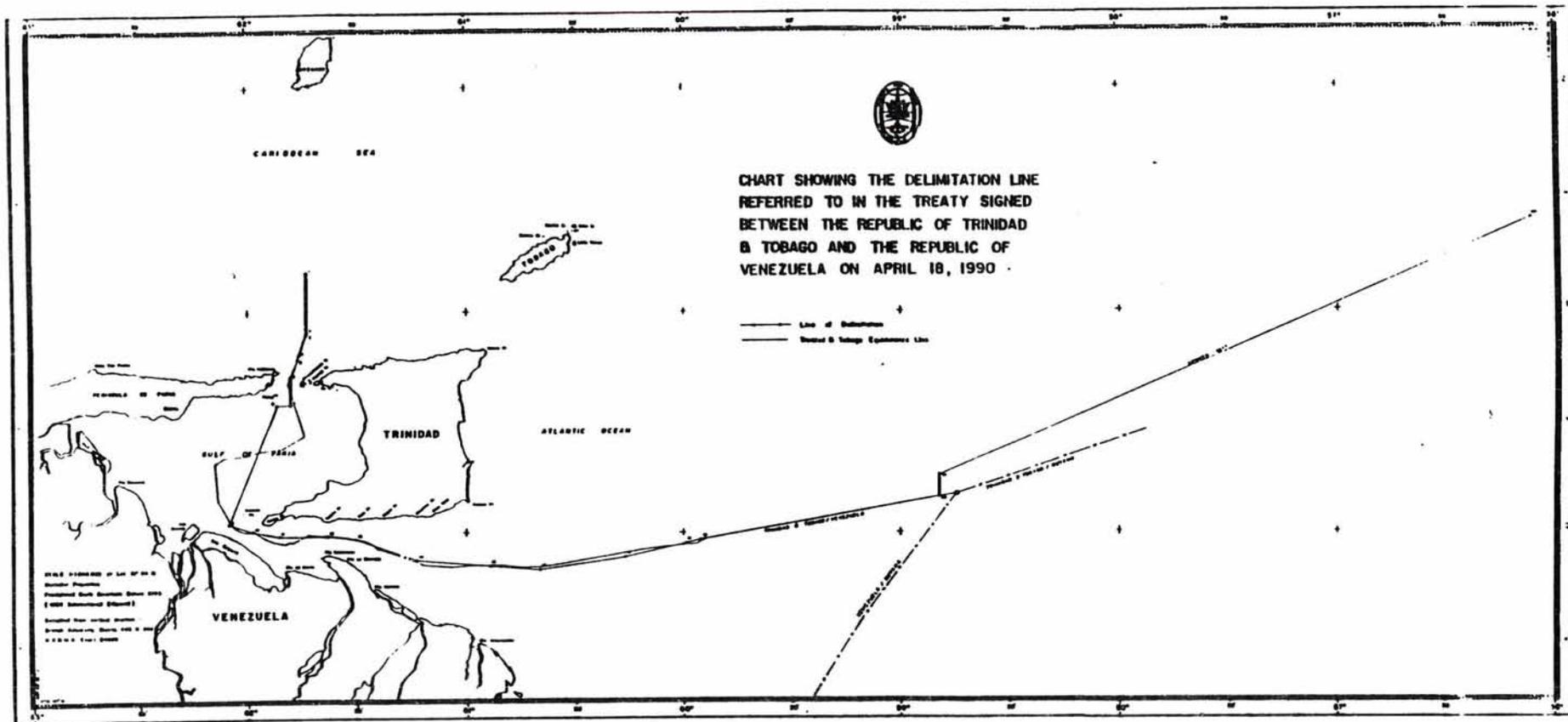
#### Article X Settlement of disputes

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.



Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.

#### COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Издания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женева.

#### КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à : Nations Unies, Section des ventes, New York ou Genève.

#### COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

#### HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

联合国出版物在全世界各地的书店和经销商均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

#### 如何获取联合国出版物

الكتب المنشورة على مستوى الأمم المتحدة يمكن الحصول عليها من المكتبات في جميع أنحاء العالم. استلم منها من المكتبة التي تتعامل معها أو اكتب إلى : الأمم المتحدة ، قسم المبيعات ، نيويورك أو جنيف .

