



*Law of the Sea
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I. INFORMATION RELATING TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (THE CONVENTION) AND RELATED AGREEMENTS

A. Application of article 5 (simplified procedure) of the Agreement relating to the implementation of Part XI of the Convention

Under its article 5, the Agreement of 28 July 1994 relating to the implementation of Part XI of the Convention provides for a simplified procedure for becoming a party to the Agreement. Paragraph 1 of that article reads as follows:

"1. A State or entity which has deposited before the date of the adoption of this Agreement an instrument of ratification or formal confirmation of or accession to the Convention and which has signed this Agreement in accordance with article 4, paragraph 3(c), shall be considered to have established its consent to be bound by this Agreement 12 months after the date of its adoption, unless that State or entity notifies the depositary in writing before that date that it is not availing itself of the simplified procedure set out in this article".

The Secretary-General, by note verbale LOS/Agreement-Part XI/95/1 of 17 July 1995, informed the States Parties to the Convention which had signed the Agreement that the end of the 12-months period concerned would expire on 28 July 1995 and that unless the Secretary-General was notified to the contrary such States Parties would be considered as having consented to be bound by the Agreement as of the latter date. The text of the note verbale and responses thereto are set out below.

1. Note verbale LOS/Agreement-Part-XI/95/1

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of ... to the United Nations and has the honour to draw his attention to article 5 of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 adopted on 28 July 1994.

"Article 5 provides for a simplified procedure for a State Party to the Convention which has signed the Agreement to become a Contracting State to the Agreement 12 months after the date of its adoption, i.e. 28 July 1995, unless it notifies the depositary in writing before that date that it is not availing itself of the simplified procedure. In the event that such notification is made, consent to be bound by the Agreement must be established in accordance with article 4, paragraph 3 (b), which sets out the procedure for expressing the consent to be bound by signature followed by ratification.

"The Secretary-General wishes to recall that the Government of ... has signed the Agreement without making any choice so far between the two above-mentioned procedures. Consequently, and in view of the provisions of article 5, unless the Secretary-General receives in writing by 28 July 1995, inclusive, a notification to the effect that it is not availing itself of the simplified procedure set out in article 5, the ... will be considered to have established its consent to be bound by the Agreement as of 28 July 1995 and thus become a Contracting Party thereto.

17 July 1995"

2. Communication on the status as of 28 July 1995 of notifications by States Parties to the Convention concerning the simplified procedure

In reply to note verbale LOS/Agreement-Part-XI/95/1, four State Parties notified the Secretary-General that they were not availing themselves of the simplified procedure set out in article 5. They were: Indonesia, Malta, Tunisia and the United Republic of Tanzania. Zimbabwe notified its consent to be bound by the Agreement under article 5.

As of 28 July 1995, 16 States became parties to the Agreement under article 5. They are: Bahamas, Barbados, Côte d'Ivoire, Grenada, Guinea, Iceland, Jamaica, Namibia, Nigeria, Sri Lanka, Togo, Trinidad and Tobago, Uganda, Yugoslavia, Zambia and Zimbabwe.

B. Adoption of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks began meeting in April 1993 and held six sessions. It was set up under General Assembly resolution 47/192 on the recommendation of United Nations Conference on Environment and Development in Agenda 21, in particular chapter 17, programme area C dealing with the sustainable use and conservation of high seas resources. The General Assembly mandated the Conference to identify, assess and formulate recommendations on problems related to the conservation and management of straddling fish stocks and highly migratory fish stocks.

The resolution also reaffirmed that the Conference's work and results should be fully consistent with the provisions of the Convention.

On 4 August 1995, the Conference adopted the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (A/CONF.164/37). It approved also the Final Act of the Conference (A/CONF.164/38). The Agreement will be open for signature on 4 December 1995 at United Nations Headquarters.

The text of the Agreement is set out hereinafter.

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

The States Parties to this Agreement.

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982,

Determined to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks,

Resolved to improve cooperation between States to that end,

Calling for more effective enforcement by flag States, port States and coastal States of the conservation and management measures adopted for such stocks,

Seeking to address in particular the problems identified in chapter 17, programme area C, of Agenda 21 adopted by the United Nations Conference on Environment and Development, namely, that the management of high seas fisheries is inadequate in many areas and that some resources are overutilized; noting that there are problems of unregulated fishing, over-capitalization, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear, unreliable databases and lack of sufficient cooperation between States,

Committing themselves to responsible fisheries,

Conscious of the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimize the risk of long-term or irreversible effects of fishing operations,

Recognizing the need for specific assistance, including financial, scientific and technological assistance, in order that developing States can participate effectively in the conservation, management and sustainable use of straddling fish stocks and highly migratory fish stocks,

Convinced that an agreement for the implementation of the relevant provisions of the Convention would best serve these purposes and contribute to the maintenance of international peace and security,

Affirming that matters not regulated by the Convention or by this Agreement continue to be governed by the rules and principles of general international law,

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

Use of terms and scope

1. For the purposes of this Agreement:

(a) "Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982;

(b) "conservation and management measures" means measures to conserve and manage one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law as reflected in the Convention and this Agreement;

(c) "fish" includes molluscs and crustaceans except those belonging to sedentary species as defined in article 77 of the Convention; and

(d) "arrangement" means a cooperative mechanism established in accordance with the Convention and this Agreement by two or more States for the purpose, *inter alia*, of establishing conservation and management measures in a subregion or region for one or more straddling fish stocks or highly migratory fish stocks.

2. (a) "States Parties" means States which have consented to be bound by this Agreement and for which the Agreement is in force.

(b) This Agreement applies mutatis mutandis:

- (i) to any entity referred to in article 305, paragraph 1 (c), (d) and (e), of the Convention and
- (ii) subject to article 47, to any entity referred to as an "international organization" in Annex IX, article 1, of the Convention

which becomes a Party to this Agreement, and to that extent "States Parties" refers to those entities.

3. This Agreement applies mutatis mutandis to other fishing entities whose vessels fish on the high seas.

Article 2

Objective

The objective of this Agreement is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the Convention.

Article 3

Application

1. Unless otherwise provided, this Agreement applies to the conservation and management of straddling fish stocks and highly migratory fish stocks beyond areas under national jurisdiction, except that articles 6 and 7 apply also to the conservation and management of such stocks within areas under national jurisdiction, subject to the different legal regimes that apply within areas under national jurisdiction and in areas beyond national jurisdiction as provided for in the Convention.
2. In the exercise of its sovereign rights for the purpose of exploring and exploiting, conserving and managing straddling fish stocks and highly migratory fish stocks within areas under national jurisdiction, the coastal State shall apply mutatis mutandis the general principles enumerated in article 5.
3. States shall give due consideration to the respective capacities of developing States to apply articles 5, 6 and 7 within areas under national jurisdiction and their need for assistance as provided for in this Agreement. To this end, Part VII applies mutatis mutandis in respect of areas under national jurisdiction.

Article 4

Relationship between this Agreement and the Convention

Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the Convention. This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention.

PART II

CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS
AND HIGHLY MIGRATORY FISH STOCKS

Article 5

General principles

In order to conserve and manage straddling fish stocks and highly migratory fish stocks, coastal States and States fishing on the high seas shall, in giving effect to their duty to cooperate in accordance with the Convention:

- (a) adopt measures to ensure long-term sustainability of straddling fish stocks and highly migratory fish stocks and promote the objective of their optimum utilization;
- (b) ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;
- (c) apply the precautionary approach in accordance with article 6;
- (d) assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks;
- (e) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or associated with or dependent upon the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;
- (f) minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;
- (g) protect biodiversity in the marine environment;
- (h) take measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;
- (i) take into account the interests of artisanal and subsistence fishers;
- (j) collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as set out in Annex I, as well as information from national and international research programmes;
- (k) promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management; and
- (l) implement and enforce conservation and management measures through effective monitoring, control and surveillance.

Article 6

Application of the precautionary approach

1. States shall apply the precautionary approach widely to conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment.
2. States shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.
3. In implementing the precautionary approach, States shall:
 - (a) improve decision-making for fishery resource conservation and management by obtaining and sharing the best scientific information available and implementing improved techniques for dealing with risk and uncertainty;
 - (b) apply the guidelines set out in Annex II and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;
 - (c) take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions; and
 - (d) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans which are necessary to ensure the conservation of such species and to protect habitats of special concern.
4. States shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event that they are exceeded, States shall, without delay, take the action determined under paragraph 3 (b) to restore the stocks.
5. Where the status of target stocks or non-target or associated or dependent species is of concern, States shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.
6. For new or exploratory fisheries, States shall adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.
7. If a natural phenomenon has a significant adverse impact on the status of straddling fish stocks or highly migratory fish stocks, States shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impact. States shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific evidence available.

Article 7

Compatibility of conservation and management measures

1. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing the living marine resources within areas under national jurisdiction as provided for in the Convention, and the right of all States for their nationals to engage in fishing on the high seas in accordance with the Convention:

(a) with respect to straddling fish stocks, the relevant coastal States and the States whose nationals fish for such stocks in the adjacent high seas area shall seek, either directly or through the appropriate mechanisms for cooperation provided for in Part III, to agree upon the measures necessary for the conservation of these stocks in the adjacent high seas area;

(b) with respect to highly migratory fish stocks, the relevant coastal States and other States whose nationals fish for such stocks in the region shall cooperate, either directly or through the appropriate mechanisms for cooperation provided for in Part III, with a view to ensuring conservation and promoting the objective of optimum utilization of such stocks throughout the region, both within and beyond the areas under national jurisdiction.

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of the straddling fish stocks and highly migratory fish stocks in their entirety. To this end, coastal States and States fishing on the high seas have a duty to cooperate for the purpose of achieving compatible measures in respect of such stocks. In determining compatible conservation and management measures, States shall:

(a) take into account the conservation and management measures adopted and applied in accordance with article 61 of the Convention in respect of the same stocks by coastal States within areas under national jurisdiction and ensure that measures established in respect of such stocks for the high seas do not undermine the effectiveness of such measures;

(b) take into account previously agreed measures established and applied for the high seas in accordance with the Convention in respect of the same stocks by relevant coastal States and States fishing on the high seas;

(c) take into account previously agreed measures established and applied in accordance with the Convention in respect of the same stocks by a subregional or regional fisheries management organization or arrangement;

(d) take into account the biological unity and other biological characteristics of the stocks and the relationships between the distribution of the stocks, the fisheries and the geographical particularities of the region concerned, including the extent to which the stocks occur and are fished in areas under national jurisdiction;

(e) take into account the respective dependence of the coastal States and the States fishing on the high seas on the stocks concerned; and

(f) ensure that such measures do not result in harmful impact on the living marine resources as a whole.

3. In giving effect to their duty to cooperate, States shall make every effort to agree on compatible conservation and management measures within a reasonable period of time.

4. If no agreement can be reached within a reasonable period of time, any of the States concerned may invoke the procedures for the settlement of disputes provided for in Part VIII.
5. Pending agreement on compatible conservation and management measures, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature. In the event that they are unable to agree on such arrangements, any of the States concerned may, for the purpose of obtaining provisional measures, submit the dispute to a court or tribunal in accordance with the procedures for the settlement of disputes provided for in Part VIII.
6. Provisional arrangements or measures entered into or prescribed pursuant to paragraph 5 shall take into account the provisions of this Part, shall have due regard to the rights and obligations of all States concerned, shall not jeopardize or hamper the reaching of final agreement on compatible conservation and management measures and shall be without prejudice to the final outcome of any dispute settlement procedure.
7. Coastal States shall regularly inform States fishing on the high seas in the subregion or region, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, or through other appropriate means, of the measures they have adopted for straddling fish stocks and highly migratory fish stocks within areas under their national jurisdiction.
8. States fishing on the high seas shall regularly inform other interested States, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, or through other appropriate means, of the measures they have adopted for regulating the activities of vessels flying their flag which fish for such stocks on the high seas.

PART III

MECHANISMS FOR INTERNATIONAL COOPERATION CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Article 8

Cooperation for conservation and management

1. Coastal States and States fishing on the high seas shall, in accordance with the Convention, pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks either directly or through appropriate subregional or regional fisheries management organizations or arrangements, taking into account the specific characteristics of the subregion or region, to ensure effective conservation and management of such stocks.
2. States shall enter into consultations in good faith and without delay, particularly where there is evidence that the straddling fish stocks and highly migratory fish stocks concerned may be under threat of over-exploitation or where a new fishery is being developed for such stocks. To this end, consultations may be initiated at the request of any interested State with a view to establishing appropriate arrangements to ensure conservation and management of the stocks. Pending agreement on such arrangements, States shall observe the provisions of this Agreement and shall act in good faith and with due regard to the rights, interests and duties of other States.
3. Where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for particular straddling fish stocks or highly migratory fish stocks, States fishing for the stocks on the high seas and relevant coastal States shall give effect to their duty to cooperate by becoming members of such organization or participants in such arrangement, or by agreeing to apply the conservation and management measures established by such organization or arrangement. States

having a real interest in the fisheries concerned may become members of such organization or participants in such arrangement. The terms of participation in such organization or arrangement shall not preclude such States from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned.

4. Only those States which are members of such an organization or participants in such an arrangement, or which agree to apply the conservation and management measures established by such organization or arrangement, shall have access to the fishery resources to which those measures apply.

5. Where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for a particular straddling fish stock or highly migratory fish stock, relevant coastal States and States fishing on the high seas for such stock in the subregion or region shall cooperate to establish such an organization or enter into other appropriate arrangements to ensure conservation and management of such stock and shall participate in the work of the organization or arrangement.

6. Any State intending to propose that action be taken by an intergovernmental organization having competence with respect to living resources should, where such action would have a significant effect on conservation and management measures already established by a competent subregional or regional fisheries management organization or arrangement, consult through that organization or arrangement with its members or participants. To the extent practicable, such consultation should take place prior to the submission of the proposal to the intergovernmental organization.

Article 9

Subregional and regional fisheries management organizations and arrangements

1. In establishing subregional or regional fisheries management organizations or in entering into subregional or regional fisheries management arrangements for straddling fish stocks and highly migratory fish stocks, States shall agree, inter alia, on:

(a) the stocks to which conservation and management measures apply, taking into account the biological characteristics of the stocks concerned and the nature of the fisheries involved;

(b) the area of application, taking into account article 7, paragraph 1, and the characteristics of the subregion or region, including socio-economic, geographical and environmental factors;

(c) the relationship between the work of the new organization or arrangement and the role, objectives and operations of any relevant existing fisheries management organizations or arrangements; and

(d) the mechanisms by which the organization or arrangement will obtain scientific advice and review the status of the stocks, including, where appropriate, the establishment of a scientific advisory body.

2. States cooperating in the formation of a subregional or regional fisheries management organization or arrangement shall inform other States which they are aware have a real interest in the work of the proposed organization or arrangement of such cooperation.

Article 10

Functions of subregional and regional fisheries management organizations and arrangements

In fulfilling their obligation to cooperate through subregional or regional fisheries management organizations or arrangements, States shall:

- (a) agree on and comply with conservation and management measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks;
- (b) agree, as appropriate, on participatory rights such as allocations of allowable catch or levels of fishing effort;
- (c) adopt and apply any generally recommended international minimum standards for the responsible conduct of fishing operations;
- (d) obtain and evaluate scientific advice, review the status of the stocks and assess the impact of fishing on non-target and associated or dependent species;
- (e) agree on standards for collection, reporting, verification and exchange of data on fisheries for the stocks;
- (f) compile and disseminate accurate and complete statistical data, as described in Annex I, to ensure that the best scientific evidence is available, while maintaining confidentiality where appropriate;
- (g) promote and conduct scientific assessments of the stocks and relevant research and disseminate the results thereof;
- (h) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
- (i) agree on means by which the fishing interests of new members of the organization or new participants in the arrangement will be accommodated;
- (j) agree on decision-making procedures which facilitate the adoption of conservation and management measures in a timely and effective manner;
- (k) promote the peaceful settlement of disputes in accordance with Part VIII;
- (l) ensure the full cooperation of their relevant national agencies and industries in implementing the recommendations and decisions of the organization or arrangement; and
- (m) give due publicity to the conservation and management measures established by the organization or arrangement.

Article 11

New members or participants

In determining the nature and extent of participatory rights for new members of a subregional or regional fisheries management organization, or for new participants in a subregional or regional fisheries management arrangement, States shall take into account, inter alia:

- (a) the status of the straddling fish stocks and highly migratory fish stocks and the existing level of fishing effort in the fishery;
- (b) the respective interests, fishing patterns and fishing practices of new and existing members or participants;
- (c) the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
- (d) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks;
- (e) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and
- (f) the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.

Article 12

Transparency in activities of subregional and regional fisheries management organizations and arrangements

1. States shall provide for transparency in the decision-making process and other activities of subregional and regional fisheries management organizations and arrangements.
2. Representatives from other intergovernmental organizations and representatives from non-governmental organizations concerned with straddling fish stocks and highly migratory fish stocks shall be afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organization or arrangement concerned. Such procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall have timely access to the records and reports of such organizations and arrangements, subject to the procedural rules on access to them.

Article 13

Strengthening of existing organizations and arrangements

States shall cooperate to strengthen existing subregional and regional fisheries management organizations and arrangements in order to improve their effectiveness in establishing and implementing conservation and management measures for straddling fish stocks and highly migratory fish stocks.

Article 14

Collection and provision of information and cooperation
in scientific research

1. States shall ensure that fishing vessels flying their flag provide such information as may be necessary in order to fulfil their obligations under this Agreement. To this end, States shall in accordance with Annex I:

(a) collect and exchange scientific, technical and statistical data with respect to fisheries for straddling fish stocks and highly migratory fish stocks;

(b) ensure that data are collected in sufficient detail to facilitate effective stock assessment and are provided in a timely manner to fulfil the requirements of subregional or regional fisheries management organizations or arrangements; and

(c) take appropriate measures to verify the accuracy of such data.

2. States shall cooperate, either directly or through subregional or regional fisheries management organizations or arrangements:

(a) to agree on the specification of data and the format in which they are to be provided to such organizations or arrangements, taking into account the nature of the stocks and the fisheries for those stocks; and

(b) to develop and share analytical techniques and stock assessment methodologies to improve measures for the conservation and management of straddling fish stocks and highly migratory fish stocks.

3. Consistent with Part XIII of the Convention, States shall cooperate, either directly or through competent international organizations, to strengthen scientific research capacity in the field of fisheries and promote scientific research related to the conservation and management of straddling fish stocks and highly migratory fish stocks for the benefit of all. To this end, a State or the competent international organization conducting such research beyond areas under national jurisdiction shall actively promote the publication and dissemination to any interested States of the results of that research and information relating to its objectives and methods and, to the extent practicable, shall facilitate the participation of scientists from those States in such research.

Article 15

Enclosed and semi-enclosed seas

In implementing this Agreement in an enclosed or semi-enclosed sea, States shall take into account the natural characteristics of that sea and shall also act in a manner consistent with Part IX of the Convention and other relevant provisions thereof.

Article 16

Areas of high seas surrounded entirely by an area under
the national jurisdiction of a single State

1. States fishing for straddling fish stocks and highly migratory fish stocks in an area of the high seas surrounded entirely by an area under the national jurisdiction of a single State and the latter State shall cooperate to establish conservation and management measures in respect of those stocks in the high seas area. Having regard to the natural characteristics of the area, States shall pay special attention to the establishment of

compatible conservation and management measures for such stocks pursuant to article 7. Measures taken in respect of the high seas shall take into account the rights, duties and interests of the coastal State under the Convention, shall be based on the best scientific evidence available and shall also take into account any conservation and management measures adopted and applied in respect of the same stocks in accordance with article 61 of the Convention by the coastal State in the area under national jurisdiction. States shall also agree on measures for monitoring, control, surveillance and enforcement to ensure compliance with the conservation and management measures in respect of the high seas.

2. Pursuant to article 8, States shall act in good faith and make every effort to agree without delay on conservation and management measures to be applied in the carrying out of fishing operations in the area referred to in paragraph 1. If, within a reasonable period of time, the fishing States concerned and the coastal State are unable to agree on such measures, they shall, having regard to paragraph 1, apply article 7, paragraphs 4, 5 and 6, relating to provisional arrangements or measures. Pending the establishment of such provisional arrangements or measures, the States concerned shall take measures in respect of vessels flying their flag in order that they not engage in fisheries which could undermine the stocks concerned.

PART IV

NON-MEMBERS AND NON-PARTICIPANTS

Article 17

Non-members of organizations and non-participants in arrangements

1. A State which is not a member of a subregional or regional fisheries management organization or is not a participant in a subregional or regional fisheries management arrangement, and which does not otherwise agree to apply the conservation and management measures established by such organization or arrangement, is not discharged from the obligation to cooperate, in accordance with the Convention and this Agreement, in the conservation and management of the relevant straddling fish stocks and highly migratory fish stocks.

2. Such State shall not authorize vessels flying its flag to engage in fishing operations for the straddling fish stocks or highly migratory fish stocks which are subject to the conservation and management measures established by such organization or arrangement.

3. States which are members of a subregional or regional fisheries management organization or participants in a subregional or regional fisheries management arrangement shall, individually or jointly, request the fishing entities referred to in article 1, paragraph 3, which have fishing vessels in the relevant area to cooperate fully with such organization or arrangement in implementing the conservation and management measures it has established, with a view to having such measures applied de facto as extensively as possible to fishing activities in the relevant area. Such fishing entities shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the stocks.

4. States which are members of such organization or participants in such arrangement shall exchange information with respect to the activities of fishing vessels flying the flags of States which are neither members of the organization nor participants in the arrangement and which are engaged in fishing operations for the relevant stocks. They shall take measures consistent with this Agreement and international law to deter activities of such vessels which undermine the effectiveness of subregional or regional conservation and management measures.

PART V

DUTIES OF THE FLAG STATE

Article 18

Duties of the flag State

1. A State whose vessels fish on the high seas shall take such measures as may be necessary to ensure that vessels flying its flag comply with subregional and regional conservation and management measures and that such vessels do not engage in any activity which undermines the effectiveness of such measures.
2. A State shall authorize the use of vessels flying its flag for fishing on the high seas only where it is able to exercise effectively its responsibilities in respect of such vessels under the Convention and this Agreement.
3. Measures to be taken by a State in respect of vessels flying its flag shall include:
 - (a) control of such vessels on the high seas by means of fishing licences, authorizations or permits, in accordance with any applicable procedures agreed at the subregional, regional or global level;
 - (b) establishment of regulations:
 - (i) to apply terms and conditions to the licence, authorization or permit sufficient to fulfil any subregional, regional or global obligations of the flag State;
 - (ii) to prohibit fishing on the high seas by vessels which are not duly licensed or authorized to fish, or fishing on the high seas by vessels otherwise than in accordance with the terms and conditions of a licence, authorization or permit;
 - (iii) to require vessels fishing on the high seas to carry the licence, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person; and
 - (iv) to ensure that vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of other States;
 - (c) establishment of a national record of fishing vessels authorized to fish on the high seas and provision of access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information;
 - (d) requirements for marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels;
 - (e) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with subregional, regional and global standards for collection of such data;
 - (f) requirements for verifying the catch of target and non-target species through such means as observer programmes, inspection schemes, unloading reports, supervision of transshipment and monitoring of landed catches and market statistics;

(g) monitoring, control and surveillance of such vessels, their fishing operations and related activities by, inter alia:

- (i) the implementation of national inspection schemes and subregional and regional schemes for cooperation in enforcement pursuant to articles 21 and 22, including requirements for such vessels to permit access by duly authorized inspectors from other States;
- (ii) the implementation of national observer programmes and subregional and regional observer programmes in which the flag State is a participant, including requirements for such vessels to permit access by observers from other States to carry out the functions agreed under the programmes; and
- (iii) the development and implementation of vessel monitoring systems, including, as appropriate, satellite transmitter systems, in accordance with any national programmes and those which have been subregionally, regionally or globally agreed among the States concerned;

(h) regulation of transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined; and

(i) regulation of fishing activities to ensure compliance with subregional, regional or global measures, including those aimed at minimizing catches of non-target species.

4. Where there is a subregionally, regionally or globally agreed system of monitoring, control and surveillance in effect, States shall ensure that the measures they impose on vessels flying their flag are compatible with that system.

PART VI

COMPLIANCE AND ENFORCEMENT

Article 19

Compliance and enforcement by the flag State

1. A State shall ensure compliance by vessels flying its flag with subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks. To this end, that State shall:

(a) enforce such measures irrespective of where violations occur;

(b) investigate immediately and fully any alleged violation of subregional or regional conservation and management measures, which may include the physical inspection of the vessels concerned, and report promptly to the State alleging the violation and the relevant subregional or regional organization or arrangement on the progress and outcome of the investigation;

(c) require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;

(d) if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned; and

(e) ensure that, where it has been established, in accordance with its laws, a vessel has been involved in the commission of a serious violation of such measures, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with.

2. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, inter alia, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.

Article 20

International cooperation in enforcement

1. States shall cooperate, either directly or through subregional or regional fisheries management organizations or arrangements, to ensure compliance with and enforcement of subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks.

2. A flag State conducting an investigation of an alleged violation of conservation and management measures for straddling fish stocks or highly migratory fish stocks may request the assistance of any other State whose cooperation may be useful in the conduct of that investigation. All States shall endeavour to meet reasonable requests made by a flag State in connection with such investigations.

3. A flag State may undertake such investigations directly, in cooperation with other interested States or through the relevant subregional or regional fisheries management organization or arrangement. Information on the progress and outcome of the investigations shall be provided to all States having an interest in, or affected by, the alleged violation.

4. States shall assist each other in identifying vessels reported to have engaged in activities undermining the effectiveness of subregional, regional or global conservation and management measures.

5. States shall, to the extent permitted by national laws and regulations, establish arrangements for making available to prosecuting authorities in other States evidence relating to alleged violations of such measures.

6. Where there are reasonable grounds for believing that a vessel on the high seas has been engaged in unauthorized fishing within an area under the jurisdiction of a coastal State, the flag State of that vessel, at the request of the coastal State concerned, shall immediately and fully investigate the matter. The flag State shall cooperate with the coastal State in taking appropriate enforcement action in such cases and may authorize the relevant authorities of the coastal State to board and inspect the vessel on the high seas. This paragraph is without prejudice to article 111 of the Convention.

7. States Parties which are members of a subregional or regional fisheries management organization or participants in a subregional or regional fisheries management arrangement may take action in accordance with international law, including through recourse to subregional or regional procedures established for this purpose, to deter vessels which have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures established by that organization or arrangement from fishing on the high seas in the subregion or region until such time as appropriate action is taken by the flag State.

Article 21

Subregional and regional cooperation in enforcement

1. In any high seas area covered by a subregional or regional fisheries management organization or arrangement, a State Party which is a member of such organization or a participant in such arrangement may, through its duly authorized inspectors, board and inspect, in accordance with paragraph 2, fishing vessels flying the flag of another State Party to this Agreement, whether or not such State Party is also a member of the organization or a participant in the arrangement, for the purpose of ensuring compliance with conservation and management measures for straddling fish stocks and highly migratory fish stocks established by that organization or arrangement.
2. States shall establish, through subregional or regional fisheries management organizations or arrangements, procedures for boarding and inspection pursuant to paragraph 1, as well as procedures to implement other provisions of this article. Such procedures shall be consistent with this article and the basic procedures set out in article 22 and shall not discriminate against non-members of the organization or non-participants in the arrangement. Boarding and inspection as well as any subsequent enforcement action shall be conducted in accordance with such procedures. States shall give due publicity to procedures established pursuant to this paragraph.
3. If, within two years of the adoption of this Agreement, any organization or arrangement has not established such procedures, boarding and inspection pursuant to paragraph 1, as well as any subsequent enforcement action, shall, pending the establishment of such procedures, be conducted in accordance with this article and the basic procedures set out in article 22.
4. Prior to taking action under this article, inspecting States shall, either directly or through the relevant subregional or regional fisheries management organization or arrangement, inform all States whose vessels fish on the high seas in the subregion or region of the form of identification issued to their duly authorized inspectors. The vessels used for boarding and inspection shall be clearly marked and identifiable as being on government service. At the time of becoming a Party to this Agreement, a State shall designate an appropriate authority to receive notifications pursuant to this article and shall give due publicity of such designation through the relevant subregional or regional fisheries management organization or arrangement.
5. Where, following a boarding and inspection, there are clear grounds for believing that a vessel has engaged in any activity contrary to the conservation and management measures referred to in paragraph 1, the inspecting State shall, where appropriate, secure evidence and shall promptly notify the flag State of the alleged violation.
6. The flag State shall respond to the notification referred to in paragraph 5 within three working days of its receipt, or such other period as may be prescribed in procedures established in accordance with paragraph 2, and shall either:
 - (a) fulfil, without delay, its obligations under article 19 to investigate and, if evidence so warrants, take enforcement action with respect to the vessel, in which case it shall promptly inform the inspecting State of the results of the investigation and of any enforcement action taken; or
 - (b) authorize the inspecting State to investigate.
7. Where the flag State authorizes the inspecting State to investigate an alleged violation, the inspecting State shall, without delay, communicate the results of that investigation to the flag State. The flag State shall, if evidence so warrants, fulfil its obligations to take enforcement action with respect to the vessel. Alternatively, the flag State may authorize the inspecting State to take such enforcement action as the flag State may specify with respect to the vessel, consistent with the rights and obligations of the flag State under this Agreement.

8. Where, following boarding and inspection, there are clear grounds for believing that a vessel has committed a serious violation, and the flag State has either failed to respond or failed to take action as required under paragraphs 6 or 7, the inspectors may remain on board and secure evidence and may require the master to assist in further investigation including, where appropriate, by bringing the vessel without delay to the nearest appropriate port, or to such other port as may be specified in procedures established in accordance with paragraph 2. The inspecting State shall immediately inform the flag State of the name of the port to which the vessel is to proceed. The inspecting State and the flag State and, as appropriate, the port State shall take all necessary steps to ensure the well-being of the crew regardless of their nationality.

9. The inspecting State shall inform the flag State and the relevant organization or the participants in the relevant arrangement of the results of any further investigation.

10. The inspecting State shall require its inspectors to observe generally accepted international regulations, procedures and practices relating to the safety of the vessel and the crew, minimize interference with fishing operations and, to the extent practicable, avoid action which would adversely affect the quality of the catch on board. The inspecting State shall ensure that boarding and inspection is not conducted in a manner that would constitute harassment of any fishing vessel.

11. For the purposes of this article, a serious violation means:

(a) fishing without a valid licence, authorization or permit issued by the flag State in accordance with article 18, paragraph 3 (a);

(b) failing to maintain accurate records of catch and catch-related data, as required by the relevant subregional or regional fisheries management organization or arrangement, or serious misreporting of catch, contrary to the catch reporting requirements of such organization or arrangement;

(c) fishing in a closed area, fishing during a closed season or fishing without, or after attainment of, a quota established by the relevant subregional or regional fisheries management organization or arrangement;

(d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;

(e) using prohibited fishing gear;

(f) falsifying or concealing the markings, identity or registration of a fishing vessel;

(g) concealing, tampering with or disposing of evidence relating to an investigation;

(h) multiple violations which together constitute a serious disregard of conservation and management measures; or

(i) such other violations as may be specified in procedures established by the relevant subregional or regional fisheries management organization or arrangement.

12. Notwithstanding the other provisions of this article, the flag State may, at any time, take action to fulfil its obligations under article 19 with respect to an alleged violation. Where the vessel is under the direction of the inspecting State, the inspecting State shall, at the request of the flag State, release the vessel to the flag State along with full information on the progress and outcome of its investigation.

13. This article is without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws.

14. This article applies mutatis mutandis to boarding and inspection by a State Party which is a member of a subregional or regional fisheries management organization or a participant in a subregional or regional fisheries management arrangement and which has clear grounds for believing that a fishing vessel flying the flag of another State Party has engaged in any activity contrary to relevant conservation and management measures referred to in paragraph 1 in the high seas area covered by such organization or arrangement, and such vessel has subsequently, during the same fishing trip, entered into an area under the national jurisdiction of the inspecting State.

15. Where a subregional or regional fisheries management organization or arrangement has established an alternative mechanism which effectively discharges the obligation under this Agreement of its members or participants to ensure compliance with the conservation and management measures established by the organization or arrangement, members of such organization or participants in such arrangement may agree to limit the application of paragraph 1 as between themselves in respect of the conservation and management measures which have been established in the relevant high seas area.

16. Action taken by States other than the flag State in respect of vessels having engaged in activities contrary to subregional or regional conservation and management measures shall be proportionate to the seriousness of the violation.

17. Where there are reasonable grounds for suspecting that a fishing vessel on the high seas is without nationality, a State may board and inspect the vessel. Where evidence so warrants, the State may take such action as may be appropriate in accordance with international law.

18. States shall be liable for damage or loss attributable to them arising from action taken pursuant to this article when such action is unlawful or exceeds that reasonably required in the light of available information to implement the provisions of this article.

Article 22

Basic procedures for boarding and inspection pursuant to article 21

1. The inspecting State shall ensure that its duly authorized inspectors:

(a) present credentials to the master of the vessel and produce a copy of the text of the relevant conservation and management measures or rules and regulations in force in the high seas area in question pursuant to those measures;

(b) initiate notice to the flag State at the time of the boarding and inspection;

(c) do not interfere with the master's ability to communicate with the authorities of the flag State during the boarding and inspection;

(d) provide a copy of a report on the boarding and inspection to the master and to the authorities of the flag State, noting therein any objection or statement which the master wishes to have included in the report;

(e) promptly leave the vessel following completion of the inspection if they find no evidence of a serious violation; and

(f) avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.

2. The duly authorized inspectors of an inspecting State shall have the authority to inspect the vessel, its licence, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the relevant conservation and management measures.

3. The flag State shall ensure that vessel masters:

- (a) accept and facilitate prompt and safe boarding by the inspectors;
- (b) cooperate with and assist in the inspection of the vessel conducted pursuant to these procedures;
- (c) do not obstruct, intimidate or interfere with the inspectors in the performance of their duties;
- (d) allow the inspectors to communicate with the authorities of the flag State and the inspecting State during the boarding and inspection;
- (e) provide reasonable facilities, including, where appropriate, food and accommodation, to the inspectors; and
- (f) facilitate safe disembarkation by the inspectors.

4. In the event that the master of a vessel refuses to accept boarding and inspection in accordance with this article and article 21, the flag State shall, except in circumstances where, in accordance with generally accepted international regulations, procedures and practices relating to safety at sea, it is necessary to delay the boarding and inspection, direct the master of the vessel to submit immediately to boarding and inspection and, if the master does not comply with such direction, shall suspend the vessel's authorization to fish and order the vessel to return immediately to port. The flag State shall advise the inspecting State of the action it has taken when the circumstances referred to in this paragraph arise.

Article 23

Measures taken by a port State

1. A port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the vessels of any State.
2. A port State may, inter alia, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.
3. States may adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of subregional, regional or global conservation and management measures on the high seas.
4. Nothing in this article affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.

PART VII

REQUIREMENTS OF DEVELOPING STATES

Article 24

Recognition of the special requirements of developing States

1. States shall give full recognition to the special requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks. To this end, States shall, either directly or through the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Global Environment Facility, the Commission on Sustainable Development and other appropriate international and regional organizations and bodies, provide assistance to developing States.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for straddling fish stocks and highly migratory fish stocks, States shall take into account the special requirements of developing States, in particular:

(a) the vulnerability of developing States which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;

(b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, particularly small island developing States; and

(c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States.

Article 25

Forms of cooperation with developing States

1. States shall cooperate, either directly or through subregional, regional or global organizations:

(a) to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks;

(b) to assist developing States, in particular the least-developed among them and small island developing States, to enable them to participate in high seas fisheries for such stocks, including facilitating access to such fisheries subject to articles 5 and 11; and

(c) to facilitate the participation of developing States in subregional and regional fisheries management organizations and arrangements.

2. Cooperation with developing States for the purposes set out in this article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services.

3. Such assistance shall, inter alia, be directed specifically towards:

(a) improved conservation and management of straddling fish stocks and highly migratory fish stocks through collection, reporting, verification, exchange and analysis of fisheries data and related information;

(b) stock assessment and scientific research; and

(c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

Article 26

Special assistance in the implementation of this Agreement

1. States shall cooperate to establish special funds to assist developing States in the implementation of this Agreement, including assisting developing States to meet the costs involved in any proceedings for the settlement of disputes to which they may be parties.

2. States and international organizations should assist developing States in establishing new subregional or regional fisheries management organizations or arrangements, or in strengthening existing organizations or arrangements, for the conservation and management of straddling fish stocks and highly migratory fish stocks.

PART VIII

PEACEFUL SETTLEMENT OF DISPUTES

Article 27

Obligation to settle disputes by peaceful means

States have the obligation to settle their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Article 28

Prevention of disputes

States shall cooperate in order to prevent disputes. To this end, States shall agree on efficient and expeditious decision-making procedures within subregional and regional fisheries management organizations and arrangements and shall strengthen existing decision-making procedures as necessary.

Article 29

Disputes of a technical nature

Where a dispute concerns a matter of a technical nature, the States concerned may refer the dispute to an ad hoc expert panel established by them. The panel shall confer with the States concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes.

Article 30

Procedures for the settlement of disputes

1. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply mutatis mutandis to any dispute between States Parties to this Agreement concerning the interpretation or application of this Agreement, whether or not they are also Parties to the Convention.
2. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply mutatis mutandis to any dispute between States Parties to this Agreement concerning the interpretation or application of a subregional, regional or global fisheries agreement relating to straddling fish stocks or highly migratory fish stocks to which they are parties, including any dispute concerning the conservation and management of such stocks, whether or not they are also Parties to the Convention.
3. Any procedure accepted by a State Party to this Agreement and the Convention pursuant to article 287 of the Convention shall apply to the settlement of disputes under this Part, unless that State Party, when signing, ratifying or acceding to this Agreement, or at any time thereafter, has accepted another procedure pursuant to article 287 for the settlement of disputes under this Part.
4. A State Party to this Agreement which is not a Party to the Convention, when signing, ratifying or acceding to this Agreement, or at any time thereafter, shall be free to choose, by means of a written declaration, one or more of the means set out in article 287, paragraph 1, of the Convention for the settlement of disputes under this Part. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is a party which is not covered by a declaration in force. For the purposes of conciliation and arbitration in accordance with Annexes V, VII and VIII to the Convention, such State shall be entitled to nominate conciliators, arbitrators and experts to be included in the lists referred to in Annex V, article 2, Annex VII, article 2, and Annex VIII, article 2, for the settlement of disputes under this Part.
5. Any court or tribunal to which a dispute has been submitted under this Part shall apply the relevant provisions of the Convention, of this Agreement and of any relevant subregional, regional or global fisheries agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the Convention, with a view to ensuring the conservation of the straddling fish stocks and highly migratory fish stocks concerned.

Article 31

Provisional measures

1. Pending the settlement of a dispute in accordance with this Part, the parties to the dispute shall make every effort to enter into provisional arrangements of a practical nature.
2. Without prejudice to article 290 of the Convention, the court or tribunal to which the dispute has been submitted under this Part may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent damage to the stocks in question, as well as in the circumstances referred to in article 7, paragraph 5, and article 16, paragraph 2.
3. A State Party to this Agreement which is not a Party to the Convention may declare that, notwithstanding article 290, paragraph 5, of the Convention, the International Tribunal for the Law of the Sea shall not be entitled to prescribe, modify or revoke provisional measures without the agreement of such State.

Article 32

Limitations on applicability of procedures for the
settlement of disputes

Article 297, paragraph 3, of the Convention applies also to this Agreement.

PART IX

NON-PARTIES TO THIS AGREEMENT

Article 33

Non-parties to this Agreement

1. States Parties shall encourage non-parties to this Agreement to become parties thereto and to adopt laws and regulations consistent with its provisions.
2. States Parties shall take measures consistent with this Agreement and international law to deter the activities of vessels flying the flag of non-parties which undermine the effective implementation of this Agreement.

PART X

GOOD FAITH AND ABUSE OF RIGHTS

Article 34

Good faith and abuse of rights

States Parties shall fulfil in good faith the obligations assumed under this Agreement and shall exercise the rights recognized in this Agreement in a manner which would not constitute an abuse of right.

PART XI

RESPONSIBILITY AND LIABILITY

Article 35

Responsibility and liability

States Parties are liable in accordance with international law for damage or loss attributable to them in regard to this Agreement.

PART XII

REVIEW CONFERENCE

Article 36

Review conference

1. Four years after the date of entry into force of this Agreement, the Secretary-General of the United Nations shall convene a conference with a view to assessing the effectiveness of this Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. The Secretary-General shall invite to the conference all States Parties and those States and entities which are entitled to become parties to this Agreement as well as those intergovernmental and non-governmental organizations entitled to participate as observers.

2. The conference shall review and assess the adequacy of the provisions of this Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks.

PART XIII

FINAL PROVISIONS

Article 37

Signature

This Agreement shall be open for signature by all States and the other entities referred to in article 1, paragraph 2(b), and shall remain open for signature at United Nations Headquarters for twelve months from the fourth of December 1995.

Article 38

Ratification

This Agreement is subject to ratification by States and the other entities referred to in article 1, paragraph 2(b). The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 39

Accession

This Agreement shall remain open for accession by States and the other entities referred to in article 1, paragraph 2(b). The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 40

Entry into force

1. This Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.
2. For each State or entity which ratifies the Agreement or accedes thereto after the deposit of the thirtieth instrument of ratification or accession, this Agreement shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

Article 41

Provisional application

1. This Agreement shall be applied provisionally by a State or entity which consents to its provisional application by so notifying the depositary in writing. Such provisional application shall become effective from the date of receipt of the notification.
2. Provisional application by a State or entity shall terminate upon the entry into force of this Agreement for that State or entity or upon notification by that State or entity to the depositary in writing of its intention to terminate provisional application.

Article 42

Reservations and exceptions

No reservations or exceptions may be made to this Agreement.

Article 43

Declarations and statements

Article 42 does not preclude a State or entity, when signing, ratifying or acceding to this Agreement, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Agreement in their application to that State or entity.

Article 44

Relation to other agreements

1. This Agreement shall not alter the rights and obligations of States Parties which arise from other agreements compatible with this Agreement and which do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Agreement.

2. Two or more States Parties may conclude agreements modifying or suspending the operation of provisions of this Agreement, applicable solely to the relations between them, provided that such agreements do not relate to a provision derogation from which is incompatible with the effective execution of the object and purpose of this Agreement, and provided further that such agreements shall not affect the application of the basic principles embodied herein, and that the provisions of such agreements do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Agreement.

3. States Parties intending to conclude an agreement referred to in paragraph 2 shall notify the other States Parties through the depositary of this Agreement of their intention to conclude the agreement and of the modification or suspension for which it provides.

Article 45

Amendment

1. A State Party may, by written communication addressed to the Secretary-General of the United Nations, propose amendments to this Agreement and request the convening of a conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Secretary-General shall convene the conference.

2. The decision-making procedure applicable at the amendment conference convened pursuant to paragraph 1 shall be the same as that applicable at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, unless otherwise decided by the conference. The conference should make every effort to reach agreement on any amendments by way of consensus and there should be no voting on them until all efforts at consensus have been exhausted.

3. Once adopted, amendments to this Agreement shall be open for signature at United Nations Headquarters by States Parties for twelve months from the date of adoption, unless otherwise provided in the amendment itself.

4. Articles 38, 39, 47 and 50 apply to all amendments to this Agreement.

5. Amendments to this Agreement shall enter into force for the States Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by two thirds of the States Parties. Thereafter, for each State Party ratifying or acceding to an amendment after the deposit of the required number of such instruments, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

6. An amendment may provide that a smaller or a larger number of ratifications or accessions shall be required for its entry into force than are required by this article.

7. A State which becomes a Party to this Agreement after the entry into force of amendments in accordance with paragraph 5 shall, failing an expression of a different intention by that State:

(a) be considered as a Party to this Agreement as so amended; and

(b) be considered as a Party to the unamended Agreement in relation to any State Party not bound by the amendment.

Article 46

Denunciation

1. A State Party may, by written notification addressed to the Secretary-General of the United Nations, denounce this Agreement and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the denunciation. The denunciation shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.
2. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Agreement to which it would be subject under international law independently of this Agreement.

Article 47

Participation by international organizations

1. In cases where an international organization referred to in Annex IX, article 1, of the Convention does not have competence over all the matters governed by this Agreement, Annex IX to the Convention shall apply mutatis mutandis to participation by such international organization in this Agreement, except that the following provisions of that Annex shall not apply:

- (a) article 2, first sentence; and
- (b) article 3, paragraph 1.

2. In cases where an international organization referred to in Annex IX, article 1, of the Convention has competence over all the matters governed by this Agreement, the following provisions shall apply to participation by such international organization in this Agreement:

- (a) at the time of signature or accession, such international organization shall make a declaration stating:
 - (i) that it has competence over all the matters governed by this Agreement;
 - (ii) that, for this reason, its member States shall not become States Parties, except in respect of their territories for which the international organization has no responsibility; and
 - (iii) that it accepts the rights and obligations of States under this Agreement;
- (b) participation of such an international organization shall in no case confer any rights under this Agreement on member States of the international organization;
- (c) in the event of a conflict between the obligations of an international organization under this Agreement and its obligations under the agreement establishing the international organization or any acts relating to it, the obligations under this Agreement shall prevail.

Article 48

Annexes

1. The Annexes form an integral part of this Agreement and, unless expressly provided otherwise, a reference to this Agreement or to one of its Parts includes a reference to the Annexes relating thereto.

2. The Annexes may be revised from time to time by States Parties. Such revisions shall be based on scientific and technical considerations. Notwithstanding the provisions of article 45, if a revision to an Annex is adopted by consensus at a meeting of States Parties, it shall be incorporated in this Agreement and shall take effect from the date of its adoption or from such other date as may be specified in the revision. If a revision to an Annex is not adopted by consensus at such a meeting, the amendment procedures set out in article 45 shall apply.

Article 49

Depositary

The Secretary-General of the United Nations shall be the depositary of this Agreement and any amendments or revisions thereto.

Article 50

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Agreement are equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Agreement.

OPENED FOR SIGNATURE at New York, this fourth day of December, one thousand nine hundred and ninety-five, in a single original, in the Arabic, Chinese, English, French, Russian and Spanish languages.

ANNEX I

STANDARD REQUIREMENTS FOR THE COLLECTION AND SHARING OF DATA

Article 1

General principles

1. The timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks. To this end, data from fisheries for these stocks on the high seas and those in areas under national jurisdiction are required and should be collected and compiled in such a way as to enable statistically meaningful analysis for the purposes of fishery resource conservation and management. These data include catch and fishing effort statistics and other fishery-related information, such as vessel-related and other data for standardizing fishing effort. Data collected should also include information on non-target and associated or dependent species. All data should be verified to ensure accuracy. Confidentiality of non-aggregated data shall be maintained. The dissemination of such data shall be subject to the terms on which they have been provided.
2. Assistance, including training as well as financial and technical assistance, shall be provided to developing States in order to build capacity in the field of conservation and management of living marine resources. Assistance should focus on enhancing capacity to implement data collection and verification, observer programmes, data analysis and research projects supporting stock assessments. The fullest possible involvement of developing State scientists and managers in conservation and management of straddling fish stocks and highly migratory fish stocks should be promoted.

Article 2

Principles of data collection, compilation and exchange

The following general principles should be considered in defining the parameters for collection, compilation and exchange of data from fishing operations for straddling fish stocks and highly migratory fish stocks:

(a) States should ensure that data are collected from vessels flying their flag on fishing activities according to the operational characteristics of each fishing method (e.g., each individual tow for trawl, each set for long-line and purse-seine, each school fished for pole-and-line and each day fished for troll) and in sufficient detail to facilitate effective stock assessment;

(b) States should ensure that fishery data are verified through an appropriate system;

(c) States should compile fishery-related and other supporting scientific data and provide them in an agreed format and in a timely manner to the relevant subregional or regional fisheries management organization or arrangement where one exists. Otherwise, States should cooperate to exchange data either directly or through such other cooperative mechanisms as may be agreed among them;

(d) States should agree, within the framework of subregional or regional fisheries management organizations or arrangements, or otherwise, on the specification of data and the format in which they are to be provided, in accordance with this Annex and taking into account the nature of the stocks and the fisheries for those stocks in the region. Such organizations or arrangements should request non-members or non-participants to provide data concerning relevant fishing activities by vessels flying their flag;

(e) such organizations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organization or arrangement; and

(f) scientists of the flag State and from the relevant subregional or regional fisheries management organization or arrangement should analyze the data separately or jointly, as appropriate.

Article 3

Basic fishery data

1. States shall collect and make available to the relevant subregional or regional fisheries management organization or arrangement the following types of data in sufficient detail to facilitate effective stock assessment in accordance with agreed procedures:

(a) time series of catch and effort statistics by fishery and fleet;

(b) total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery. [Nominal weight is defined by the Food and Agriculture Organization of the United Nations as the live-weight equivalent of the landings];

(c) discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

(d) effort statistics appropriate to each fishing method; and

(e) fishing location, date and time fished and other statistics on fishing operations as appropriate.

2. States shall also collect where appropriate and provide to the relevant subregional or regional fisheries management organization or arrangement information to support stock assessment, including:

- (a) composition of the catch according to length, weight and sex;
- (b) other biological information supporting stock assessments, such as information on age, growth, recruitment, distribution and stock identity; and
- (c) other relevant research, including surveys of abundance, biomass surveys, hydro-acoustic surveys, research on environmental factors affecting stock abundance, and oceanographic and ecological studies.

Article 4

Vessel data and information

1. States should collect the following types of vessel-related data for standardizing fleet composition and vessel fishing power and for converting between different measures of effort in the analysis of catch and effort data:

- (a) vessel identification, flag and port of registry;
- (b) vessel type;
- (c) vessel specifications (e.g., material of construction, date built, registered length, gross registered tonnage, power of main engines, hold capacity and catch storage methods); and
- (d) fishing gear description (e.g., types, gear specifications and quantity).

2. The flag State will collect the following information:

- (a) navigation and position fixing aids;
- (b) communication equipment and international radio call sign; and
- (c) crew size.

Article 5

Reporting

A State shall ensure that vessels flying its flag send to its national fisheries administration and, where agreed, to the relevant subregional or regional fisheries management organization or arrangement, logbook data on catch and effort, including data on fishing operations on the high seas, at sufficiently frequent intervals to meet national requirements and regional and international obligations. Such data shall be transmitted, where necessary, by radio, telex, facsimile or satellite transmission or by other means.

Article 6

Data verification

States or, as appropriate, subregional or regional fisheries management organizations or arrangements should establish mechanisms for verifying fishery data, such as:

- (a) position verification through vessel monitoring systems;
- (b) scientific observer programmes to monitor catch, effort, catch composition (target and non-target) and other details of fishing operations;
- (c) vessel trip, landing and transshipment reports; and
- (d) port sampling.

Article 7

Data exchange

1. Data collected by flag States must be shared with other flag States and relevant coastal States through appropriate subregional or regional fisheries management organizations or arrangements. Such organizations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organization or arrangement, while maintaining confidentiality of non-aggregated data, and should, to the extent feasible, develop database systems which provide efficient access to data.
2. At the global level, collection and dissemination of data should be effected through the Food and Agriculture Organization of the United Nations. Where a subregional or regional fisheries management organization or arrangement does not exist, that organization may also do the same at the subregional or regional level by arrangement with the States concerned.

ANNEX II

GUIDELINES FOR THE APPLICATION OF PRECAUTIONARY REFERENCE POINTS IN CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

1. A precautionary reference point is an estimated value derived through an agreed scientific procedure, which corresponds to the state of the resource and of the fishery, and which can be used as a guide for fisheries management.
2. Two types of precautionary reference points should be used: conservation, or limit, reference points and management, or target, reference points. Limit reference points set boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield. Target reference points are intended to meet management objectives.
3. Precautionary reference points should be stock-specific to account, inter alia, for the reproductive capacity, the resilience of each stock and the characteristics of fisheries exploiting the stock, as well as other sources of mortality and major sources of uncertainty.
4. Management strategies shall seek to maintain or restore populations of harvested stocks, and where necessary associated or dependent species, at levels consistent with previously agreed precautionary reference points. Such reference points shall be used to trigger pre-agreed conservation and management action. Management strategies shall include measures which can be implemented when precautionary reference points are approached.

5. Fishery management strategies shall ensure that the risk of exceeding limit reference points is very low. If a stock falls below a limit reference point or is at risk of falling below such a reference point, conservation and management action should be initiated to facilitate stock recovery. Fishery management strategies shall ensure that target reference points are not exceeded on average.

6. When information for determining reference points for a fishery is poor or absent, provisional reference points shall be set. Provisional reference points may be established by analogy to similar and better-known stocks. In such situations, the fishery shall be subject to enhanced monitoring so as to enable revision of provisional reference points as improved information becomes available.

7. The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points. For stocks which are not overfished, fishery management strategies shall ensure that fishing mortality does not exceed that which corresponds to maximum sustainable yield, and that the biomass does not fall below a predefined threshold. For overfished stocks, the biomass which would produce maximum sustainable yield can serve as a rebuilding target.

C. Status of the United Nations Convention on the Law of the Sea and of the Agreement relating to the implementation of Part XI of the Convention as of 8 September 1995

1. Explanatory Note

1. The attached table presents the updated status of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Convention) and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea adopted by the General Assembly on 28 July 1994 (the Agreement).
2. The first column presents a list of all States (Members and non-members of the United Nations) as well as one entity (European Community) in alphabetical order. It indicates as well the signatories of the Convention. The second column provides self-explanatory information on the ratifications of, and accessions and successions to, the Convention.
3. The third column contains results of the vote on General Assembly resolution 48/263, by which the Agreement was adopted. In accordance with its article 7(1), the Agreement is applied provisionally, pending its entry into force, by, inter alia, "States which have consented to its adoption in the General Assembly of the United Nations, except any such State which before 16 November 1994 notifies the depositary in writing either that it will not so apply the Agreement or that it will consent to such application only upon subsequent signature or notification in writing." (These exceptions are indicated by "no" in the fifth column.) The indication of co-sponsorship merely illustrates the overall position of States at the time of the adoption of the Agreement.
4. The fourth column provides information on signatures of the Agreement. Symbols/endnote have been used to differentiate, in particular, between (1) States which signed with a mention "subject to ratification" (or which are considered as having signed subject to ratification) and (2) States which had deposited before the date of the adoption of the Agreement an instrument of ratification or accession in respect of the Convention and which have signed the Agreement and are considered 12 months after its adoption as having availed themselves of the simplified procedure, in accordance with article 5 of the Agreement. However, it should be noted that the States Parties to the Convention which signed the Agreement and whose signatures are not subject to ratification (definitive signatures), are listed only in the sixth column.
5. The fifth column indicates the date from which any given State applies the Agreement provisionally (see also paragraph 3 above). States which have not expressed their consent to the provisional application by their votes in the General Assembly and/or by signing the Agreement, but have expressed their consent to be bound by it, are considered to apply the Agreement provisionally as of the date of their formal consent to be bound.
6. The sixth column contains information on States which expressed their consent to be bound by the Agreement by ratification, accession, definitive signature or participation, which refers to those States which have expressed their consent to be bound by the Convention after the adoption of the Agreement.
7. The totals under each column are given at the end of the table.

2. Table presenting the status of the Convention and of the Agreement
as of 8 September 1995

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Afghanistan *		Yes		16 November 1994	
Albania		Yes		16 November 1994	
Algeria *		Yes	29 July 1994	16 November 1994	
Andorra		Yes		16 November 1994	
Angola *	5 December 1990	-			
Antigua and Barbuda *	2 February 1989	-			
Argentina *		Yes	29 July 1994	16 November 1994	
Armenia		Yes		16 November 1994	
Australia *	5 October 1994	Yes	29 July 1994	16 November 1994	5 October 1994
Austria *	14 July 1995	Yes	29 July 1994	16 November 1994	14 July 1995
Azerbaijan		-			
Bahamas *	29 July 1983	Yes	29 July 1994	16 November 1994	28 July 1995 ^{3/}
Bahrain *	30 May 1985	Yes		16 November 1994	
Bangladesh *		Yes		16 November 1994	

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Barbados *	12 October 1993	-	15 November 1994	16 November 1994	28 July 1995 ^{3/}
Belarus *		Yes		16 November 1994	
Belgium *		Yes	29 July 1994	16 November 1994	
Belize *	13 August 1983	Yes		16 November 1994	21 October 1994 ^(s)
Benin *		Yes		16 November 1994	
Bhutan *		Yes		16 November 1994	
Bolivia *	28 April 1995	Yes		16 November 1994	28 April 1995 ^(p) ^{4/}
Bosnia and Herzegovina	12 January 1994 ^(s)	-			
Botswana *	2 May 1990	Yes		16 November 1994	
Brazil *	22 December 1988	Yes	29 July 1994	No	
Brunei Darussalam *		Yes		16 November 1994	
Bulgaria *		Yes		No	
Burkina Faso *		-	30 November 1994	30 November 1994	
Burundi *		Yes		16 November 1994	
Cambodia *		Yes		16 November 1994	
Cameroon *	19 November 1985	Yes	24 May 1995	24 May 1995	

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Canada *		Yes	29 July 1994	16 November 1994	
Cape Verde *	10 August 1987	Yes	29 July 1994	16 November 1994	
Central African Republic *		-			
Chad *		-			
Chile *		Yes		16 November 1994	
China *		Yes	29 July 1994	16 November 1994	
Colombia *		Abstain			
Comoros *	21 June 1994	-			
Congo *		Yes		16 November 1994	
Cook Islands * ^{5/}	15 February 1995			15 February 1995	15 February 1995 ^(a)
Costa Rica *	21 September 1992	-			
Côte d'Ivoire *	26 March 1984	Yes	25 November 1994	16 November 1994	28 July 1995 ^{3/}
Croatia	5 April 1995 ^(s)	-		5 April 1995	5 April 1995 ^(p) ^{4/}
Cuba *	15 August 1984	Yes		16 November 1994	
Cyprus *	12 December 1988	Yes	1 November 1994	27 July 1995	27 July 1995
Czech Republic *		Yes	16 November 1994	16 November 1994	

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(b)
Democratic People's Republic of Korea *		-			
Denmark *		Yes	29 July 1994	No	
Djibouti *	8 October 1991	-			
Dominica *	24 October 1991	-			
Dominican Republic *		-			
Ecuador		-			
Egypt *	26 August 1983	Yes	22 March 1995	16 November 1994	
El Salvador *		-			
Equatorial Guinea *		-			
Eritrea		Yes		16 November 1994	
Estonia		Yes		16 November 1994	
Ethiopia *		Yes		16 November 1994	
<i>European Community</i> *			29 July 1994	16 November 1994	
Fiji *	10 December 1982	Yes	29 July 1994	16 November 1994	28 July 1995
Finland *		Yes	29 July 1994	16 November 1994	
France *		Yes	29 July 1994	16 November 1994	

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Gabon *		Yes	4 April 1995	16 November 1994	
Gambia *	22 May 1984	-			
Georgia		-			
Germany	14 October 1994 ^(a)	Yes	29 July 1994	16 November 1994	14 October 1994
Ghana *	7 June 1983	Yes		16 November 1994	
Greece *	21 July 1995	Yes	29 July 1994	16 November 1994	21 July 1995
Grenada *	25 April 1991	Yes	14 November 1994	16 November 1994	28 July 1995 ^{3/}
Guatemala *		-			
Guinea *	6 September 1985	-	26 August 1994	16 November 1994	28 July 1995 ^{3/}
Guinea-Bissau *	25 August 1986	-			
Guyana *	16 November 1993	Yes		16 November 1994	
Haiti *		-			
<i>Holy See</i> ^{5/}					
Honduras *	5 October 1993	Yes		16 November 1994	
Hungary *		Yes		16 November 1994	
Iceland *	21 June 1985	Yes	29 July 1994	16 November 1994	28 July 1995 ^{3/}

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
India *	29 June 1995	Yes	29 July 1994	16 November 1994	29 June 1995
Indonesia *	3 February 1986	Yes	29 July 1994	16 November 1994	
Iran (Islamic Republic of) *		Yes		No	
Iraq *	30 July 1985	Yes		16 November 1994	
Ireland *		Yes	29 July 1994	No	
Israel		-			
Italy *	13 January 1995	Yes	29 July 1994	16 November 1994	13 January 1995
Jamaica *	21 March 1983	Yes	29 July 1994	16 November 1994	28 July 1995 ^{3/}
Japan *		Yes	29 July 1994	16 November 1994	
Jordan		Yes		No	
Kazakstan		-			
Kenya *	2 March 1989	Yes		16 November 1994	29 July 1994 ^(s)
<i>Kiribati</i> ^{2/}					
Kuwait *	2 May 1986	Yes		16 November 1994	
Kyrgyzstan		-			

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Lao People's Democratic Republic *		Yes	27 October 1994	16 November 1994	
Latvia		-			
Lebanon *	5 January 1995	-		5 January 1995	5 January 1995 ^(p) ^{4/}
Lesotho *		-			
Liberia *		-			
Libyan Arab Jamahiriya *		Yes		16 November 1994	
Liechtenstein *		Yes		16 November 1994	
Lithuania		-			
Luxembourg *		Yes	29 July 1994	16 November 1994	
Madagascar *		Yes		16 November 1994	
Malawi *		-			
Malaysia *		Yes	2 August 1994	16 November 1994	
Maldives *		Yes	10 October 1994	16 November 1994	
Mali *	16 July 1985	-			
Malta *	20 May 1993	Yes	29 July 1994	16 November 1994	

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Marshall Islands	9 August 1991 ^(a)	Yes		16 November 1994	
Mauritania *		-	2 August 1994	16 November 1994	
Mauritius *	4 November 1994	Yes		16 November 1994	4 November 1994 ^(p) ^{4/}
Mexico *	18 March 1983	Yes		No	
Micronesia (Fed. States of)	29 April 1991 ^(a)	Yes	10 August 1994	16 November 1994	8 September 1995
Monaco *		Yes	30 November 1994	16 November 1994	
Mongolia *		Yes	17 August 1994	16 November 1994	
Morocco *		Yes	19 October 1994	No	
Mozambique *		Yes		16 November 1994	
Myanmar *		Yes		16 November 1994	
Namibia *	18 April 1983	Yes	29 July 1994	16 November 1994	28 July 1995 ^{3/}
<i>Nauru</i> * ^{5/}					
Nepal *		Yes		16 November 1994	
Netherlands *		Yes	29 July 1994	16 November 1994	
New Zealand *		Yes	29 July 1994	16 November 1994	
Nicaragua *		Abstain			

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Niger *		-			
Nigeria *	14 August 1986	Yes	25 October 1994	16 November 1994	28 July 1995 ^{3/}
Niue * ^{5/}					
Norway *		Yes		16 November 1994	
Oman *	17 August 1989	Yes		16 November 1994	
Pakistan *		Yes	10 August 1994	16 November 1994	
Palau *					
Panama *		Abstain			
Papua New Guinea *		Yes		16 November 1994	
Paraguay *	26 September 1986	Yes	29 July 1994	16 November 1994	10 July 1995
Peru		Abstain			
Philippines *	8 May 1984	Yes	15 November 1994	16 November 1994	
Poland *		Yes	29 July 1994	23 February 1995	
Portugal *		Yes	29 July 1994	No	
Qatar *		Yes		16 November 1994	
Republic of Korea *		Yes	7 November 1994	16 November 1994	

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Republic of Moldova		Yes		16 November 1994	
Romania *		Yes		No	
Russian Federation *		Abstain		11 January 1995 ^{6/}	
Rwanda *		-			
Saint Kitts and Nevis *	7 January 1993	-			
Saint Lucia *	27 March 1985	-			
Saint Vincent and the Grenadines *	1 October 1993	-			
Samoa *	14 August 1995	Yes	7 July 1995	16 November 1994	14 August 1995 ^(p) ^{4/}
San Marino		-			
Sao Tome and Principe *	3 November 1987	-			
Saudi Arabia *		Yes		No	
Senegal *	25 October 1984	Yes	9 August 1994	16 November 1994	25 July 1995
Seychelles *	16 September 1991	Yes	29 July 1994	16 November 1994	15 December 1994
Sierra Leone *	12 December 1994	-		12 December 1994	12 December 1994 ^(p) ^{4/}
Singapore *	17 November 1994	Yes		16 November 1994	17 November 1994 ^(p) ^{4/}

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Slovakia *		Yes	14 November 1994	16 November 1994	
Slovenia	16 June 1995 ^(s)	Yes	19 January 1995	16 June 1995	16 June 1995
Solomon Islands *		-		8 February 1995 ^{6/}	
Somalia *	24 July 1989	-			
South Africa *		Yes	3 October 1994	16 November 1994	
Spain *		Yes	29 July 1994	No	
Sri Lanka *	19 July 1994	Yes	29 July 1994	16 November 1994	28 July 1995 ^{3/}
Sudan *	23 January 1985	Yes	29 July 1994	16 November 1994	
Suriname *		Yes		16 November 1994	
Swaziland *		-	12 October 1994	16 November 1994	
Sweden *		Yes	29 July 1994	No	
Switzerland * ^{5/}			26 October 1994	16 November 1994	
Syrian Arab Republic		-			
Tajikistan		-			
Thailand *		Abstain			
The former Yugoslav Republic of Macedonia	19 August 1994 ^(s)	-		16 November 1994	19 August 1994 ^(p) ^{4/}

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Togo *	16 April 1985	Yes	3 August 1994	16 November 1994	28 July 1995 ^{3/}
Tonga ^{5/}	2 August 1995 ^(a)			2 August 1995	2 August 1995 ^(p) ^{4/}
Trinidad and Tobago *	25 April 1986	Yes	10 October 1994	16 November 1994	28 July 1995 ^{3/}
Tunisia *	24 April 1985	Yes	15 May 1995	16 November 1994	
Turkey		-			
Turkmenistan		-			
Tuvalu * ^{5/}					
Uganda *	9 November 1990	Yes	9 August 1994	16 November 1994	28 July 1995 ^{3/}
Ukraine *		Yes	28 February 1995	16 November 1994	
United Arab Emirates *		Yes		16 November 1994	
United Kingdom		Yes	29 July 1994	16 November 1994	
United Republic of Tanzania *	30 September 1985	Yes	7 October 1994	16 November 1994	
United States of America		Yes	29 July 1994	16 November 1994	
Uruguay *	10 December 1992	Yes	29 July 1994	No	
Uzbekistan		-			

State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Agreement relating to the implementation of Part XI of the Convention			
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
Vanuatu *		Yes	29 July 1994	16 November 1994	
Venezuela		Abstain			
Viet Nam *	25 July 1994	Yes		16 November 1994	
Yemen *	21 July 1987	-			
Yugoslavia *	5 May 1986	-	12 May 1995	12 May 1995	28 July 1995 ^{3/}
Zaire *	17 February 1989	-			
Zambia *	7 March 1983	-	13 October 1994	16 November 1994	28 July 1995 ^{3/}
Zimbabwe *	24 February 1993	Yes	28 October 1994	16 November 1994	28 July 1995 ^{3/}

TOTALS:

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NOTES

- 1/ An asterisk (*) indicates States or entities which have signed the United Nations Convention on the Law of the Sea.
- 2/ "No" refers to States or entities which had consented to the adoption of the Agreement or had signed it, but notified the depositary in writing that they would not apply the Agreement provisionally in accordance with its article 7, paragraph 1(a) or (b).
- 3/ State bound by the Agreement under the simplified procedure set out in article 5 of the Agreement.
- 4/ State bound by the Agreement by having ratified, acceded or succeeded to the Convention under article 4, paragraph 1, of the Agreement.
- 5/ Non-member State of the United Nations.
- 6/ By notification in accordance with article 7, paragraph 1(c), of the Agreement.

II. INFORMATION ON ACTIVITIES UNDERTAKEN BY THE DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

A. Notes verbales addressed to States Parties for the purpose of assisting them to comply with their obligations of "due publicity" under the Convention

The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, as the responsible substantive unit of the Secretariat, has informed the States Parties concerned that it is willing to assist them to comply with their "due publicity" obligations under the Convention.

Accordingly, the Division has transmitted to the States Parties concerned several notes verbales recalling their "due publicity" obligations, offering its assistance in meeting those obligations and inviting them to submit their charts, lists of geographical coordinates, geodetic data and relevant legislation (articles 16(2), 47(9), 75(2), 76(9) and 84(2)), laws and regulations on innocent passage through the territorial sea (article 21(3)) as well as on transit passage through straits used for international navigation (article 42(3)) and charts indicating established sea lanes, traffic separation schemes and air routes (articles 22(4), 41(6) and 53(10)) for the purpose of informing other States Parties to the Convention.

Copies of the texts of the notes verbales circulated by the Division are shown hereinafter under subparagraphs 1-3.

1. Note verbale MZ/SP/1 on the deposit of charts, lists of geographical coordinates and geodetic data (articles 16(2), 47(9), 75(2), 76(9) and 84(2))

"MZ/SP/1

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of..... and has the honour to refer to the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994 in accordance with its article 308(1).

"In this connection, it is recalled that under articles 16(2), 47(9), 75(2), 76(9) and 84(2) of the Convention, 'due publicity' is to be given to charts or lists of geographical coordinates and copy of each such chart or list is to be deposited with the Secretary-General. Similarly, under article 76(9) of the Convention, the coastal State is to deposit with the Secretary-General charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf so that the Secretary-General could give 'due publicity' thereto.

"It is further recalled that the General Assembly, in operative paragraph 15(f) of resolution 49/28 on the law of the sea, requested the Secretary-General to carry out a number of functions consequent upon the entry into force of the Convention, in particular, by:

'(f) Establishing appropriate facilities, as required by the Convention, for the deposit by States of maps, charts and geographic coordinates concerning national maritime zones and establishing a system for their recording and publicity as part of an integrated programme on the law of the sea and ocean affairs, distinct from the usual depositary functions of the Secretary-General;'

"The Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, as the responsible substantive unit of the Secretariat, has established facilities for the deposit of such charts and lists of geographical coordinates as well as geodetic data and adopted a system for their recording and publicity in keeping with the above-mentioned articles of the Convention, as requested in the said General Assembly resolution.

"Consequently, in compliance with the terms of the Convention, the States Parties are invited to submit to the Legal Counsel one (1) copy of their charts and/or lists of geographical coordinates.

"However, for administrative purposes, it would be greatly appreciated if States Parties were to submit, on the one hand, two (2) additional copies of the charts concerned and, on the other hand, whenever possible, relevant legislation, including lists of geographical coordinates, in electronic format.

25 April 1995"

2. Notes verbales TS/IP/SP/1 and SIN/TP/SP/1 on laws and regulations in relation to the territorial sea and straits (articles 21(3) and 42(3))

"TS/IP/SP/1

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of..... and has the honour to refer to the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994 in accordance with its article 308 (1).

"In this connection, it is recalled that pursuant to article 21(3) of the Convention, coastal States Parties, shall give 'due publicity' to all laws and regulations they may adopt, in conformity with the provisions of the Convention and other rules of international law, on innocent passage through the territorial sea and in respect of any 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 fisheries laws and regulations of the coastal State;
- (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;
- (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.'

"The Secretary-General avails himself of this opportunity to inform coastal States Parties to the Convention that the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, as the responsible substantive unit of the Secretariat, is willing to assist them with their obligations of 'due publicity' in compliance with the Convention.

"Consequently, in keeping with article 21(3) of the Convention, coastal States Parties are invited to submit to the Legal Counsel one (1) copy of the above-mentioned laws and regulations that they may have adopted relating to innocent passage through the territorial sea.

"For administrative purposes, it would be greatly appreciated if these laws and regulations, were submitted in English and/or French and, if possible, in electronic format.

27 June 1995"

"SIN/TP/SP/1

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of..... to the United Nations and has the honour to refer to the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994 in accordance with its article 308(1).

"In this connection, it is recalled that pursuant to its article 42(3), States bordering straits Parties to the Convention shall give 'due publicity' to all laws and regulations they may adopt relating to transit passage through straits used for international navigation in respect of all or any of the following:

- '(a) the safety of navigation and the regulation of maritime traffic, as provided in article 41;
- (b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait;
- (c) with respect to fishing vessels, the prevention of fishing, including the stowage of fishing gear;;
- (d) the loading or unloading of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary laws and regulations of States bordering straits.'

"The Secretary-General avails himself of this opportunity to inform States bordering straits Parties to the Convention that the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, as the responsible substantive unit of the Secretariat, is willing to assist them with their obligations of 'due publicity' in compliance with the Convention.

"Consequently, States bordering straits Parties to the Convention, in keeping with article 42(3) thereof, are invited to submit to the Legal Counsel one (1) copy of the above-mentioned laws and regulations that they may have adopted relating to transit passage through straits used for international navigation.

"For administrative purposes, it would be greatly appreciated if these laws and regulations, were submitted in English and/or French and, if possible, in electronic format.

27 June 1995"

3. Note verbale SLTSS/SP/1 on the designation, prescription and substitution of sea lanes, traffic separation schemes and air routes (articles 22(4), 41(6) and 53(10))

"SLTSS/SP/1

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of ... and has the honour to refer to the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994 in accordance with its article 308(1).

"In this connection, it is recalled that, pursuant to articles 22(4) and 41(6) of the Convention, States Parties may designate sea lanes or prescribe traffic separation schemes in the territorial sea and in straits for navigation purposes. Similarly, pursuant to article 53(10) of the Convention, States Parties may also designate sea lanes through and air routes above archipelagic waters and prescribe traffic separation schemes in such sea lanes. If and when they do so, the States Parties concerned shall give 'due publicity' to the charts indicating the designation, prescription or substitution of such sea lanes and traffic separation schemes in the territorial sea, straits and through archipelagic waters as well as of air routes above archipelagic waters.

"The Secretary-General avails himself of this opportunity to inform the States Parties in question that the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, as the responsible substantive unit of the Secretariat, is willing to assist them with their obligations of 'due publicity' in compliance with the Convention.

"Consequently, States Parties, in keeping with articles 22(4), 41(6) and 53(10) of the Convention, are invited to submit to the Legal Counsel one (1) copy of the above-mentioned charts indicating their established sea lanes, traffic separation schemes and air routes.

"For administrative purposes, it would be greatly appreciated if charts were submitted in triplicate.

24 August 1995"

B. Meeting of a group of experts for the organization of the work of the Commission on the Limits of the Continental Shelf

The meeting of a group of experts has been convened to assist the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs in making preparations for an efficient commencement of the work of the Commission on the Limits of the Continental Shelf. The group met from 11 to 14 September 1995 at United Nations Headquarters. The Commission is to be established by 16 May 1996 in accordance with article 2 of Annex II to the Convention.

III. INFORMATION ON ACTION TAKEN BY STATES PARTIES AND INTERNATIONAL ORGANIZATIONS TO IMPLEMENT THE CONVENTION

A. Obligation of "due publicity"

States Parties to the Convention which are coastal States or States bordering straits pursuant to articles 21(3) and 42(3), respectively, of the Convention shall give "due publicity" to all laws and regulations they may adopt on innocent passage through the territorial sea and on transit passage through straits used for international navigation. Similarly, pursuant to article 53(10) of the Convention, State Parties may designate sea lanes through and air routes above archipelagic waters and prescribe traffic separation schemes in such sea lanes.

Accordingly, the Government of Italy in compliance with the terms of said articles has submitted to the Legal Counsel in reply to notes verbales Nos. TS/IP/SP/1 and SIN/TP/SP/1 dated 27 June 1995, the texts of Italian laws and regulations applicable to innocent passage through the territorial sea and to transit passage through straits used for international navigation under cover of letter No. 3954 dated 16 August 1995.

In addition, the Governments of Namibia and the Marshall Islands, respectively, in reply to the notes verbales No. TS/IP/SP/1 of 27 June 1995 and No. SLTSS/SP/1 of 24 August 1995 have transmitted notes verbales No. 1/6/13 of 14 September 1995 and No. SG/037/95 of 19 September 1995.

The notes concerned from the States Parties are reproduced hereinafter.

1. Italy - as regards laws and regulations adopted by coastal States in the territorial sea and by States bordering Straits (articles 21(3) and 42(3)): letter No. 3954 dated 16 August 1995, with accompanying extracts of the relevant laws and regulations

"Dear Mr. Under-Secretary-General,

"I refer to the notes by the Secretary-General of the United Nations TS/IP/SP/1 and SIN/TP/SP/1, of 27 June 1995, concerning 'due publicity' to be given by coastal States Parties to the 1982 United Nations Convention on the Law of the Sea, and by States bordering straits Parties to the same Convention, to all laws and regulations they may have adopted and regarding respectively innocent passage through the territorial sea and transit passage through straits used for international navigation.

"I have the honour to inform you that the following Italian laws and regulations apply to the innocent passage through the territorial sea: Art. 83 of the Navigation Code, Law 16 June 1912 (in Official Gazette of the Italian Republic of 27 June 1912, n. 151) and Royal Decree 24 August 1933, n. 2423 (in Official Gazette of the Italian Republic of 22 May 1934, n. 130). Moreover, the following Italian laws and regulations apply to transit passage through straits used for international navigation: Decree of the Minister of Merchant Marine of 8 May 1985 relating to the Strait of Messina (in Official Gazette of the Italian Republic of 11 May 1985, n. 110) and Decree of the Minister of Merchant Marine of 26 February 1993 relating to the Straits of Boniface (in Official Gazette of the Italian Republic of 2 March 1993, n. 50). A copy of the aforementioned laws and regulations is enclosed herewith.

"..."

2. Namibia - as regards innocent passage through the territorial sea (article 21(3)): note verbale No. 1/6/13 dated 14 September 1995

"The Permanent Mission of the Republic of Namibia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to acknowledge receipt of the latter's Note No. TS/IP/SP/1 dated 27 June 1995 regarding Article 21(3) of the United Nations Convention on the Law of the Sea, and wishes to inform that Namibia has not enacted or adopted laws and regulations relating to innocent passage through the territorial sea, in respect of sub-paragraphs A-H of Article 21(1) of the Law of the Sea Convention.

"The Permanent Mission of Namibia furthermore wishes to request the Office of the Legal Affairs to kindly provide the Namibian Government with copies of the model laws and regulations on this subject, for consideration.

"..."

3. Marshall Islands - as regards the designation of sea lanes through and air routes above archipelagic waters (article 53(10)): note verbale SG/037/95 dated 19 September 1995

"The Permanent Representative of the Republic of the Marshall Islands to the United Nations presents his compliments to the Secretary-General of the United Nations, and has the honor to refer to his letter dated 24 August 1995 (reference SLTSS/SP/1), concerning the designation of sea lanes and air routes.

"In this regard the Permanent Representative can inform that the Republic of the Marshall Islands does not designate any air routes within its airspace. However, the air routes that are already established above the Republic's archipelago are designated by the International Civil Aviation Organization. The air routes mentioned are listed in the Aeronautical Publication information (Jeppesen) as follows:

1. En Route Low Altitude Chart
2. En Route High Altitude Chart

"Traffic separation is provided by Oakland Oceanic Information Region, provided that flights are conducted above 5,500 feet must file flight plan with Oakland and maintain two way radio communications with air traffic control. In addition, Annex 2 (rules of the air) to the Convention on International Civil Aviation regulates operations within such airspace.

"It should be noted that the Marshall Islands lacks the facility, equipment and trained personnel to monitor air route and air traffic other than providing traffic advisories and weather information on initial contact with aircraft intending to land and/or takeoff from Majuro International Airport.

"..."

B. Letter from the Secretary-General of the International Maritime Organization (IMO) addressed to the States Parties to the 1982 United Nations Convention on the Law of the Sea which are not yet States Parties to the 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter

The Secretary-General of IMO, by letter dated 16 June 1995, drew attention to the States Parties to the 1982 Convention which are not yet Contracting Parties to the London Convention of their responsibility under Part XII of the 1982 Convention, in particular article 210 on the prevention of marine pollution by dumping.

Further, in view of the nexus between the London Convention and Part XII of the 1982 Convention, the Secretary-General of IMO invites States Parties to the 1982 Convention to become Contracting Parties to the London Convention and offers IMO's assistance to such States in implementing the rules and standards set forth in the London Convention.

The text of the letter is set out below.

"16 June 1995

[Original: English/French]

"Your country is a State party to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS 1982) which entered into force on 16 November 1994, and the International Maritime Organization is aware that this historic event has widespread and far reaching implications worldwide for the protection of the marine environment. This view was also expressed in 1994 by the Seventeenth Consultative Meeting of Contracting Parties to the London Convention 1972.

"The Consultative Meeting requested me to write to your Government and all other States parties to UNCLOS which are not yet Contracting Parties to the London Convention 1972, drawing attention to their responsibility under Part XII of UNCLOS, and in particular to article 210 on the prevention of marine pollution by dumping. Through that article States parties to UNCLOS are legally bound to adopt laws and regulations, and take other measures to prevent, reduce and control pollution by dumping, which must be no less effective than the global rules and standards. The London Convention 1972, which has been ratified or acceded to by 74 countries, is the global instrument containing rules and standards on the prevention of marine pollution from dumping at sea.

"The purpose of this letter is also to inform you of the objectives of the London Convention 1972, its achievements, and ongoing developments.

"In June 1972 the United Nations Conference on the Human Environment (the Stockholm Conference) adopted Principle 7, 'calling upon States to take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea', and it also expressed the need for 'an overall instrument for the control of ocean dumping' (Rec.86c). This resulted in the adoption of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Dumping Convention), which entered into force in 1975 and to date has been ratified or acceded to by 74 countries. The International Maritime Organization was designated in 1975 to be responsible for Secretariat duties in relation to that Convention.

"The basic purpose of the London Convention 1972 is to encourage its Contracting Parties to work together to ensure that the marine environment is protected from harmful effects that may be caused by dumping wastes and other matter at sea. Protection of the marine environment is the foundation of the London Convention 1972. Article I of that Convention indeed provides that 'Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment ...'

"Since 1975 Consultative Meetings of Contracting Parties to the London Convention 1972 have been convened by IMO on an annual basis, demonstrating the value of the Convention as a global basis for the application of sea disposal principles and practices with regard to waste management, and the importance of the Convention in supplying the coordination, assistance and comprehensive approach needed to consolidate jurisdiction at regional and national levels.

"During nearly twenty years of operational experience with the Convention, the Contracting Parties have faced an array of challenges in their efforts to protect the marine environment, resulting in substantial expertise being available on matters related to disposal at sea specifically, and to broader marine pollution issues in general. Important refinements of practices have been developed during intensive discussions and debate, including:

- agreement in 1991 that Contracting Parties should actively pursue a precautionary approach in addressing waste management problems by inter alia focusing on environmentally preferable land-based alternatives to disposal of waste at sea, while ensuring that pollution is not transferred to other parts of the environment via other disposal routes (resolution LDC.44(14));
- amendments adopted in 1993 to the Annexes to the Convention with a view to:
 - prohibiting disposal at sea of radioactive wastes and other radioactive matter (resolution LC.51(16));
 - prohibiting incineration at sea of industrial waste and sewage sludge (resolution LC.50(16));
 - phasing out disposal at sea of industrial waste by the end of 1995 (resolution LC.49(16));
- agreement in 1993 that an overall and thorough review of the existing provisions of the Convention and of the amendments thereto should be carried out culminating in a diplomatic conference to be convened in late 1996 with a view to adopting amendments through a single instrument (resolution LC.48(16)).

"The Consultative Meeting not only strengthened the original requirements of the London Convention 1972 but also devoted substantial expertise to developing guidance for the effective implementation of the requirements of the Convention, and to assisting Governments of Contracting Parties, as well as of non-Contracting Parties, in assessing the impacts of, and the need for, sea disposal of wastes and other matter.

"Very recently, it was agreed in principle to establish a technical cooperation and assistance programme, with a view to *inter alia* expanding the membership of the Convention, in particular by gaining State parties of UNCLOS 1982, thus assisting in the implementation of Article 210 of UNCLOS. Discussions on the needs and objectives of the technical assistance and cooperation programme have not yet been completed, but are ongoing within subsidiary bodies of the Consultative Meeting.

"We invite your Government to consider the possibility of becoming a Contracting Party to the London Convention 1972, and to participate in the current review process of the London Convention 1972, taking into account that the outcome of these discussions may have far reaching implications for the future development of relevant global rules and standards. In order to promote the assistance that Contracting Parties are ready to provide within the technical cooperation and assistance programme of the Convention, I would welcome receiving information on any problems you have now, or may face in the future, in implementing the rules and standards set forth in the London Convention 1972; and on the support you may need in the training and education of personnel necessary to effectively implement and enforce applicable global rules and standards, including assistance in developing environmentally sound land-based methodologies as alternatives to sea disposal. You, or another representative from your country, may also wish to discuss any of the questions raised above with the Office for the London Convention 1972 in IMO's Marine Environment Division. Please do not hesitate to contact us. The recent entry into force of UNCLOS underlines the importance of working effectively and cooperatively to implement that Convention."

C. List of experts dated 16 August 1995 in the field of navigation, including pollution from vessel and by dumping, drawn up by IMO under article 2 of Annex VIII (Special Arbitration)

The following list sets out the names of experts in the field of navigation, including pollution from vessels and by dumping, having been nominated by States Parties to the Convention, for the purposes of special arbitration in accordance with article 2 of Annex VIII to the Convention.

STATE	NAME OF EXPERT'S
Bahrain	1. Mr. Abdulmonem Mohamed Janahi
	2. Mr. Sanad Rashid Sanad
Cameroon	1. Mr. Ekoumoj Dimi Dieudonne
	2. Mr. Nsaikai Athanasius Responsables de la sécurité maritime à la direction de la marine marchande
Cook Islands	1. Capt. Donald W. Silk, Harbourmaster
	2. Mr. Joseph Caffery, Director of Maritime Transport
Egypt	1. Mr. Mehnad Mahmoud Kamel, Counsellor Ministry of Maritime Transportation
	2. Mr. Mahmoud Imam Abd-Rabou, Counsellor for Treaties Affairs Ministry of Maritime Transportation

STATE	NAME OF EXPERTS
Fiji	<ol style="list-style-type: none">1. Captain Felix Ranchor Maharaj Chief Hydrographer2. Mr. Ponipate Bukarau, Acting Principal Marine Officer, Regulatory Section, Senior Surveyor and Engineer Examiner
Guinea	<ol style="list-style-type: none">1. Chérif Mohamed Lamine Camara, Docteur Es-Sciences Techniques des Pêches en service à la Direction Nationale de la Pêche et de l'Aquaculture
Italy	<ol style="list-style-type: none">1. Professor Umberto Leanza l'Université de Rome Chef du service du contentieux du Ministère des affaires étrangères italien2. Professor Tullio Treves l'Université de Milan
Nigeria	<ol style="list-style-type: none">1. Engr. Moses Ayi Otobo Government Inspector of Shipping2. Capt. I.N. Ntiaidem Deputy Government Inspector of Shipping
Singapore	<ol style="list-style-type: none">1. Capt. Francis Wee Assistant Director (Nautical) Marine Department2. Capt. Wilson Chua Head, Hydrographic Department Port of Singapore Authority
Togo	<ol style="list-style-type: none">1. Mme Sikao Souleymane, Docteur en Droit de la Mer Chef de Division à la Direction des Affaires Maritimes au Ministère du Commerce, des Prix et des Transports2. M. Djahlin Kote, Officier de la Marine Marchande Chargé de la Division Technique et Opérationnelle à la Direction des Affaires Maritimes au Ministère du Commerce, des Prix et des Transports
Uganda	<ol style="list-style-type: none">1. S.A.K. Magezi Meteorology Department Ministry of Natural Resources, Kampala2. J.T. Wambede Meteorology Department Ministry of Natural Resources, Kampala

D. List of experts in the field of marine scientific research drawn up by
Intergovernmental Oceanographic Commission of UNESCO (IOC)
under article 2 of Annex VIII (Special Arbitration)

The following list sets out the names of experts in the field of marine scientific research, having been nominated by States Parties to the Convention, for the purposes of special arbitration in accordance with article 2 of Annex VIII to the Convention.

STATE	NAME OF EXPERTS
Cameroon	<p>Dr. Floack Jean Chargé de recherche et Chef Centre de Recherches Halieutiques et Océanographiques (CRHO) Ministère de la Recherche Scientifique et Technique PMB 77, Limbe</p> <p>Fax: 237-420312/332227 Tlx: 5952 KN</p> <p>Mr. Angwe Ayamama Collins c/o Dr. Floack Jean Chargé de recherche et Chef Centre de Recherches Halieutiques et Océanographiques (CRHO) Ministère de la Recherche Scientifique et Technique PMB 77, Limbe</p> <p>Fax: 237-420312/332227 Tlx: 5952 KN</p>
Italy	<p>Prof. Umberto Leanza Department of Public Law University of Rome "Tor Verata" Via Lucullo, 11 00187, Rome</p> <p>Tel/Fax: 39-6-4885720</p> <p>Prof. Tullio Treves Faculty of Law University of Milano Via Lusardi 2 Milano 20122</p> <p>Tel: 392-58302359 Fax: 392-58306826</p>

STATE	NAME OF EXPERTS
India	<p>Dr. S.A.H. Abidi Director Department of Ocean Development 'Mahasagar Bhavan' Block-12, C.G.O. Complex Lodhi Road, New Delhi-110003 Gram: Mahasagar</p> <p>Tlx: 31-61984 Fax: 91-11-4360336</p> <p>Prof. K.V. Ramana Murthy Department of Marine Sciences Andhara University Visakhapataham - 530003</p> <p>Tel: 91-0891-554871 ext. 310 Tlx: 0495-628 & 0495-540 AU IN Fax: 91-0891-544765 & 91-0891-555547</p>
Iraq	<p>Dr. Abdul-Razak M. Mohamed Director-General Marine Science Centre University of Basrah Basrah Tel: 417730/410958 Tlx: 207052</p> <p>Dr. Najah Abood Hassain Marine Science Centre University of Basrah Basrah</p> <p>Tel: 417730/410958 Tlx: 207052</p>
Kuwait	<p>Prof. Dr. Abdallah Zamel Al-Zamel Assistant Professor/Assistant Dean for Student Affairs Department of Geology Faculty of Science Kuwait University P.O. Box 5969 Safat</p> <p>Tel: 4810481 (Dept.), or 4811188 ext. 5600 or 5629</p>

STATE	NAME OF EXPERTS
Kuwait	<p>Mrs. Faiza Y. Al-Yamani Ph.D Associate Research Scientist/Oceanographic Task Leader Food Resources Division Kuwait Institute for Scientific Research Mariculture and Fisheries Department</p> <p>Tel: 965-5751984 Fax: 965-5711293</p>
Lebanon	<p>Dr. Haratch Kouyoumijian (for protection and preservation of marine environment) Marine Research Centre c/o Prof. Dr. Hafez Kobeissi Secretary-General CNRS</p> <p>Tel: 961-1-822670 Fax: 961-1-822639</p> <p>Dr. Mary Abbou Abi Saab (for marine scientific research) Marine Research Centre c/o Prof. Dr. Hafez Kobeissi Secretary-General CNRS</p> <p>Tel: 961-1-822670 Fax: 961-1-822639</p> <p>Dr. Sami Lakkis (for fisheries) Marine Research Centre c/o Prof. Dr. Hafez Kobeissi Secretary-General CNRS</p> <p>Tel: 961-1-822670 Fax: 961-1-822639</p>
Nigeria	<p>Dr. T.O. Ajayi c/o Mr. J.G. Tobor, Director Federal Ministry of Agriculture, Water Resources and Rural Development P.M.B. 12729 Victoria Island, Lagos</p> <p>Tel: 617530/617535/617540/617543/617544 Fax: 234-1-619517</p>

STATE	NAME OF EXPERTS
Nigeria	<p>Mr. L.F. Awosika c/o Mr. J.G. Tobor, Director Federal Ministry of Agriculture, Water Resources and Rural Development P.M.B. 12729 Victoria Island, Lagos</p> <p>Tel: 617530/617535/617540/617543/617544 Fax: 234-1-619517</p>
St. Lucia	<p>Mr. Horace Denis Walters Chief Fisheries Officer Fisheries Management Unit Ministry of Agriculture, Lands, Fisheries & Cooperatives 5th Floor NIS Building, Castries Saint Lucia, W.I.</p> <p>Tel: 809-4526172 Fax: 809-4536314</p> <p>Mr. Kieth E. Nichols Fisheries Biologist Fisheries Department Ministry of Agriculture, Lands, Fisheries and Cooperatives 5th Floor NIS Building, Castries Saint Lucia, W.I.</p> <p>Tel: 809-4526172 Fax: 809-4536314</p>
Senegal	<p>Monsieur Boubacary Ndiaye Administrateur des Affaires maritimes (Docteur en droit maritime et aérien) c/o Mr. Assane Hane Secrétaire général de la Commission Nationale du Sénégal pour l'UNESCO 87, rue Carnot x Bayeux - Dakar</p> <p>Tel: 225730/211770</p>

STATE	NAME OF EXPERTS
Sudan	Dr. Abdel Gadir D. El Hag Director Red Sea University c/o Mr. Mubarak Yahia Abbas Secretary-General National Commission for Education Science and Culture P.O. Box 2324 KH Tel: 79888 Fax: 249-11-76030 Tlx: 21055 Dr. Dirar H. Nasr Marine Biologist Faculty of Marine Science and Fisheries P.O. Box 24 Port Sudan Tel: 2509 c/o 70025 STLOP SD-22342 ILMI SD
	Tunisia

E. List of experts in the field of fisheries drawn up by the Food and Agriculture Organization of the United Nations (FAO) under article 2 of Annex VIII (Special Arbitration)

The following list sets out the names of experts in the field of fisheries, having been nominated by States Parties to the Convention, for the purposes of special arbitration in accordance with article 2 of Annex VIII to the Convention .

STATE	NAME OF EXPERTS
Bahrain	Mr. Jasem Ahmed Al-Kasir Director Fish Resources Department
	Mr. Ibrahim A. Abdel Kader Fisheries Expert
	Mr. A. Habib Ridha Expert in Census
Cyprus	Andreas Demetropoulos, Director of Fisheries Department
	Emilios Economou, Senior Officer, Department of Fisheries
Egypt	Dr. Hussein Kamal Badawi, Head Marine and Fisheries Institute
	Dr. M. Amin Ibrahim, Head Fisheries Department
	Dr. Kamis Abdel Hamid Hussein, Head Fish seeds Lab.
	Dr. Ahmed Fawzi Alquarashili, Head Fisheries Economy Lab
	Dr. Abdou Abdallah Alwayes, Head Nets and Fishing Methods Lab.
Iraq	Mohamed Mahmud Halwas, Engineer, Director Development Fish Resources Division
	Daud Salman Daud, University Degree (Marine), Development Fish Resources Division
Uruguay	Prof. Guillermo Arena