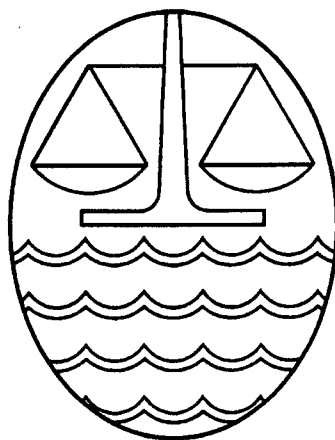


Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Law of the Sea



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NOTE

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CONTENTS

	<u>Page</u>
I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA	1
A. Status of the United Nations Convention on the Law of the Sea	1
1. Chronological list of ratifications, accessions and successions to the United Nations Convention on the Law of the Sea and their regional groups	1
2. Alphabetical list of States parties to the United Nations Convention on the Law of the Sea	5
3. Austria: Declaration made upon ratification	6
4. Greece: Declaration made upon ratification	6
5. India: Declaration made upon ratification	8
B. Status of the Agreement relating to the implementation of Part XI of the Convention, adopted by the General Assembly on 28 July 1994	9
1. Alphabetical list of States parties to the Agreement relating to the implementation of Part XI of the Convention	9
2. Notifications in accordance with article 5 of the Agreement	10
(a) Notification consenting to the simplified procedure	10
Zimbabwe	10
(b) Notifications not consenting to the simplified procedure	10
(i) Indonesia	10
(ii) Malta	10
(iii) Tunisia	10
(iv) United Republic of Tanzania	10
C. Table recapitulating the status of the Convention and of the Agreement	11
D. 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	25

CONTENTS (continued)

	<u>Page</u>
II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA	56
A. Recent national legislation received from Governments	56
Finland: Act amending the Act on the Limits of the Territorial Waters of Finland (981/95)	56
B. Treaties and statements	62
1. Agreement on illicit traffic by sea, implementing article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	62
2. Statement of the Ministers for Foreign Affairs of the States members of the Permanent Commission for the South Pacific	76
3. Treaty between the Kingdom of Spain and the Italian Republic to combat illicit drug trafficking at sea	77
III. INFORMATION ABOUT THE INTERNATIONAL SEABED AUTHORITY	81
A. List of members of the International Seabed Authority as of 7 August 1995	81
B. The International Seabed Authority concludes first session, Kingston, 7-17 August 1995	83

I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Status of the United Nations Convention on the Law of the Sea

1. Chronological list of ratifications, accessions and successions to the United Nations Convention on the Law of the Sea and their regional groups^{1/}

Number	Date of ratification/ accession/succession	State/Entity	Regional group
1	10 December 1982	Fiji	Asian
2	7 March 1983	Zambia	African
3	18 March 1983	Mexico	Latin America/Caribbean
4	21 March 1983	Jamaica	Latin America/Caribbean
5	18 April 1983	Namibia	African
6	7 June 1983	Ghana	African
7	29 July 1983	Bahamas	Latin America/Caribbean
8	13 August 1983	Belize	Latin America/Caribbean
9	26 August 1983	Egypt	African
10	26 March 1984	Côte d'Ivoire	African
11	8 May 1984	Philippines	Asian
12	22 May 1984	Gambia	African
13	15 August 1984	Cuba	Latin America/Caribbean
14	25 October 1984	Senegal	African
15	23 January 1985	Sudan	African
16	27 March 1985	Saint Lucia	Latin America/Caribbean
17	16 April 1985	Togo	African
18	24 April 1985	Tunisia	African
19	30 May 1985	Bahrain	Asian
20	21 June 1985	Iceland	Western European and Other
21	16 July 1985	Mali	African
22	30 July 1985	Iraq	Asian
23	6 September 1985	Guinea	African

^{1/} The United Nations Convention on the Law of the Sea entered into force on 16 November 1994, in accordance with article 308 of the Convention.

Number	Date of ratification/ accession/succession	State/Entity	Regional group
24	30 September 1985	United Republic of Tanzania	African
25	19 November 1985	Cameroon	African
26	3 February 1986	Indonesia	Asian
27	25 April 1986	Trinidad and Tobago	Latin America/Caribbean
28	2 May 1986	Kuwait	Asian
29	5 May 1986	Yugoslavia	Eastern European
30	14 August 1986	Nigeria	African
31	25 August 1986	Guinea-Bissau	African
32	26 September 1986	Paraguay	Latin America/Caribbean
33	21 July 1987	Yemen	Asian
34	10 August 1987	Cape Verde	African
35	3 November 1987	Sao Tome and Principe	African
36	12 December 1988	Cyprus	Asian
37	22 December 1988	Brazil	Latin America/Caribbean
38	2 February 1989	Antigua and Barbuda	Latin America/Caribbean
39	17 February 1989	Zaire	African
40	2 March 1989	Kenya	African
41	24 July 1989	Somalia	African
42	17 August 1989	Oman	Asian
43	2 May 1990	Botswana	African
44	9 November 1990	Uganda	African
45	5 December 1990	Angola	African
46	25 April 1991	Grenada	Latin America/Caribbean
47	29 April 1991	Micronesia (Federated States of) ^{2/}	Asian
48	9 August 1991	Marshall Islands ^{2/}	Asian
49	16 September 1991	Seychelles	African
50	8 October 1991	Djibouti	African

^{2/} Accession to the Convention.

Number	Date of ratification/ accession/succession	State/Entity	Regional group
51	24 October 1991	Dominica	Latin America/Caribbean
52	21 September 1992	Costa Rica	Latin America/Caribbean
53	10 December 1992	Uruguay	Latin America/Caribbean
54	7 January 1993	Saint Kitts and Nevis	Latin America/Caribbean
55	24 February 1993	Zimbabwe	African
56	20 May 1993	Malta	Western European and Other
57	1 October 1993	Saint Vincent and the Grenadines	Latin America/Caribbean
58	5 October 1993	Honduras	Latin America/Caribbean
59	12 October 1993	Barbados	Latin America/Caribbean
60	16 November 1993	Guyana	Latin America/Caribbean
61	12 January 1994	Bosnia and Herzegovina ^{3/}	Eastern European
62	21 June 1994	Comoros	African
63	19 July 1994	Sri Lanka	Asian
64	25 July 1994	Viet Nam	Asian
65	19 August 1994	The former Yugoslav Republic of Macedonia ^{3/}	Eastern European
66	5 October 1994	Australia	Western European and Other
67	14 October 1994	Germany ^{2/}	Western European and Other
68	4 November 1994	Mauritius	African
69	17 November 1994	Singapore	Asian
70	12 December 1994	Sierra Leone	African
71	5 January 1995	Lebanon	Asian
72	13 January 1995	Italy	Western European and Other
73	15 February 1995	Cook Islands	Asia
74	5 April 1995	Croatia ^{3/}	Eastern European
75	25 April 1995	Bolivia	Latin America/Caribbean
76	16 June 1995	Slovenia ^{3/}	Eastern European

^{3/} Succession.

Number	Date of ratification/ accession/succession	State/Entity	Regional group
77	29 June 1995	India	Asian
78	14 July 1995	Austria	Western European and Other
79	21 July 1995	Greece	Western European and Other
80	2 August 1995	Tonga ^{2/}	Asian
81	14 August 1995	Samoa	Asian

81 ratifications/accessions/successions deposited with the Secretary-General.

2. Alphabetical list of States parties to the United Nations Convention on the Law of the Sea

Angola	Greece	Saint Vincent and the Grenadines
Antigua and Barbuda	Grenada	Samoa
Australia	Guinea	Sao Tome and Principe
Austria	Guinea-Bissau	Senegal
Bahamas	Guyana	Seychelles
Bahrain	Honduras	Sierra Leone
Barbados	Iceland	Singapore
Belize	India	Slovenia
Bolivia	Indonesia	Somalia
Bosnia and Herzegovina	Iraq	Sri Lanka
Botswana	Italy	Sudan
Brazil	Jamaica	The former Yugoslav Republic of Macedonia
Cameroon	Kenya	Togo
Cape Verde	Kuwait	Tonga
Comoros	Lebanon	Trinidad and Tobago
Cook Islands	Mali	Tunisia
Costa Rica	Malta	Uganda
Côte d'Ivoire	Marshall Islands	United Republic of Tanzania
Croatia	Mauritius	Uruguay
Cuba	Mexico	Viet Nam
Cyprus	Micronesia (Federated States of)	Yemen
Djibouti	Namibia	Yugoslavia
Dominica	Nigeria	Zaire
Egypt	Oman	Zambia
Fiji	Paraguay	Zimbabwe
Gambia	Philippines	
Germany	Saint Kitts and Nevis	
Ghana	Saint Lucia	

3. Austria

Declaration made upon ratification ^{4/}

The Permanent Mission of Austria to the United Nations presents its compliments to the Secretary-General of the United Nations in his capacity as depositary of the United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea and has the honour to transmit herewith the Austrian instrument of ratification to the said Convention and Agreement to be deposited with the Secretary-General.

With regard to article 287 of the Convention of the Law of the Sea, Austria declares the following:

"In the absence of any other peaceful means to which it would give preference the Government of the Republic of Austria hereby chooses one of the following means for the settlement of disputes concerning the interpretation or application of the two Conventions in accordance with article 287 of the Convention on the Law of the Sea, in the following order:

1. The International Tribunal for the Law of the Sea established in accordance with Annex VI;
2. A special arbitral tribunal constituted in accordance with Annex VIII;
3. The International Court of Justice.

Also in the absence of any other peaceful means, the Government of the Republic of Austria hereby recognizes as of today the validity of special arbitration for any dispute concerning the interpretation or application of the Convention on the Law of the Sea relating to fisheries, protection and preservation of the marine environment, marine scientific research and navigation, including pollution from vessels and by dumping."

The Permanent Mission of Austria to the United Nations would like to draw the attention of the Secretary-General to the fact that, as a member of the European Union, Austria has transferred competence to the Union in certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence transferred to the European Union will be made in due course in accordance with the provisions of Annex IX of the Convention.

4. Greece

Declaration made upon ratification ^{5/}

The Permanent Mission of Greece to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to deposit the instrument of ratification by the Hellenic Republic of the United Nations Convention on the Law of the Sea signed at Montego Bay, Jamaica, on 10 December 1982, and of the Agreement relating to the implementation of Part XI of that Convention, adopted by the General Assembly of the United Nations on 28 July 1994, duly signed by the President of the Hellenic Republic and by

^{4/} Communicated by the Permanent Mission of Austria to the United Nations in a note verbale dated 14 July 1995.

^{5/} Communicated by the Permanent Mission of Greece to the United Nations in a note verbale dated 21 July 1995.

the Minister for Foreign Affairs. The Convention and the Agreement have been approved in Greece by Act No. 2321/1995, published in the Official Gazette No. 136 of 23 June 1995 (vol. A).

In depositing this instrument, the Permanent Mission of Greece, as instructed by its Government, formulates the following declarations:

1. In ratifying the United Nations Convention on the Law of the Sea, Greece secures all rights and assumes all the obligations deriving from the Convention.

Greece shall determine when and how it shall exercise those rights, according to its national strategy. This shall not imply that Greece renounces these rights in any way.

2. Greece wishes to reiterate the interpretative declaration on straits which it deposited at the time of the Convention's adoption and at the time of its signature, the original English-language text of which reads as follows:

"The present declaration concerns the provisions of Part III on straits used for international navigation" and more especially the application in practice of articles 36, 38, 41 and 42 of the Convention on the Law of the Sea.

"In areas where there are numerous spread-out islands that form a great number of alternative straits which serve in fact one and the same route of international navigation, it is the understanding of Greece that the coastal State concerned has the responsibility to designate the route or routes, in the said alternative straits, through which ships and aircraft of third countries could pass under transit passage regime, in such a way as on the one hand the requirements of international navigation and overflight are satisfied, and on the other hand the minimum security requirements of both the ships and aircraft in transit as well as those of the coastal State are fulfilled."

3. Pursuant to article 287 of the United Nations Convention on the Law of the Sea, the Government of the Hellenic Republic hereby chooses the International Tribunal for the Law of the Sea established in accordance with Annex VI to the Convention as the means for the settlement of disputes concerning the interpretation or application of the Convention.

4. Greece, as a State member of the European Community, has given the latter jurisdiction with respect to certain issues relating to the Convention. Following the deposit by the European Union of its instrument of formal confirmation, Greece will make a special declaration specifying in detail the issues dealt with in the Convention for which it has transferred jurisdiction to the European Union.

5. Greece's ratification of the United Nations Convention on the Law of the Sea does not imply that it recognizes the former Yugoslav Republic of Macedonia and does not, therefore, constitute the establishment of treaty relations with the latter.

5. India

Declaration made upon ratification ^{6/}

WHEREAS the United Nations Convention on the Law of the Sea, 1982 was signed at Montego Bay, Jamaica on the tenth day of December in the year one thousand nine hundred and eighty-two by the representative of the Government of the Republic of India duly authorized for that purpose, which Convention is reproduced word for word in the annexure to this document;

AND WHEREAS it is fit and expedient to confirm and ratify the aforesaid Convention;

NOW, THEREFORE, BE IT KNOWN that the Government of the Republic of India, having seen and considered the said Convention, do hereby confirm and ratify the same subject to the following declarations:

- (a) The Government of the Republic of India reserves the right to make at the appropriate time the declarations provided for in articles 287 and 298, concerning the settlement of disputes;
- (b) The Government of the Republic of India understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone and on the continental shelf military exercises or manoeuvres, in particular those involving the use of weapons or explosives without the consent of the coastal State.

^{6/} Communicated by the Permanent Mission of the Republic of India.

B. Status of the Agreement relating to the implementation of Part XI of the Convention, adopted by the General Assembly on 28 July 1994

1. Alphabetical list of States parties to the Agreement relating to the implementation of Part XI of the Convention

Australia	Nigeria
Austria	Paraguay
Bahamas	Samoa
Barbados	Senegal
Belize	Seychelles
Bolivia	Sierra Leone
Cook Islands	Singapore
Côte d'Ivoire	Slovenia
Croatia	Sri Lanka
Cyprus	The former Yugoslav Republic of Macedonia
Fiji	Togo
Germany	Tonga
Greece	Trinidad and Tobago
Grenada	Uganda
Guinea	Yugoslavia
Iceland	Zambia
India	Zimbabwe
Italy	
Jamaica	
Kenya	
Lebanon	
Mauritius	
Micronesia (Federated States of)	
Namibia	

Total number of States as of 6 September 1995: 41

2. Notifications in accordance with article 5 of the Agreement

(a) Notification consenting to the simplified procedure

Zimbabwe

The Permanent Mission of the Republic of Zimbabwe to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer 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.

The Government of the Republic of Zimbabwe has by its instrument of ratification consented to be bound by the Agreement 12 months after the date of adoption, i.e., July 1995.

(b) Notifications not consenting to the simplified procedure

(i) Indonesia

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to 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, has the honour to inform him that the Government of the Republic of Indonesia does not avail itself of the simplified procedure set out in article 5 (1) of the Agreement.

(ii) Malta

The Permanent Mission of Malta to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that the Government of Malta will not be availing itself of the simplified procedure set out in article 5 of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea.

(iii) Tunisia

The Permanent Mission of Tunisia presents its compliments to the Secretariat of the United Nations and has the honour to inform the Secretariat of the decision of the Government of Tunisia not to avail itself of the simplified procedure set out in article 5 of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea.

(iv) United Republic of Tanzania

The United Republic of Tanzania, having signed 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 by the General Assembly in its resolution 48/263 of 28 July 1994, is not availing itself of the simplified procedure set out in article 5, paragraph 1, of the Agreement, and will establish its consent to be bound by the Agreement after fulfilling the requirements set forward by its national laws and regulations in accordance with article 5, paragraph 2, and article 4, paragraph 3 (b), of the Agreement.

C. Table recapitulating the status of the Convention and of the Agreement

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				Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of		
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 ^{2/}	
Bahrain *	30 May 1985	Yes		16 November 1994		
Bangladesh *		Yes		16 November 1994		

		Agreement relating to the implementation of Part XI of the Convention			
State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	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	

		Agreement relating to the implementation of Part XI of the Convention			
State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession (a) / succession (s)	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 ^{2/}
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 ^(p)
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 ^{2/}
Guatemala *		-			
Guinea *	6 September 1985	-	26 August 1994	16 November 1994	28 July 1995 ^{2/}
Guinea-Bissau *	25 August 1986	-			
Guyana *	16 November 1993	Yes		16 November 1994	
Haiti *		-			
<i>Holy See</i> ^{2/}					
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 ^{2/}

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)
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 ^{2/}
Japan *		Yes	29 July 1994	16 November 1994	
Jordan		Yes		No	
Kazakhstan		-			
Kenya *	2 March 1989	Yes		16 November 1994	29 July 1994 ^(s)
Kiribati ^{3/}					
Kuwait *	2 May 1986	Yes		16 November 1994	
Kyrgyzstan		-			
Lao People's Democratic Republic *		Yes	27 October 1994	16 November 1994	

		Agreement relating to the implementation of Part XI of the Convention			
State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession, ^(a) definitive signature, ^(s) participation ^(p)
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	
Marshall Islands	9 August 1991 ^(a)	Yes		16 November 1994	
Mauritania *		-	2 August 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			Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
		Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	
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			
Niger *		-			
Nigeria *	14 August 1986	Yes	25 October 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)
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	
Republic of Moldova		Yes		16 November 1994	
Romania *		Yes		No	

		Agreement relating to the implementation of Part XI of the Convention			United Nations Convention on the Law of the Sea	
State or entity ^{1/}	Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(c) participation ^(p)	Date of ratification / accession ^(a) / succession ^(s)	
Russian Federation *	Abstain		11 January 1995 ^{g/}			
Rwanda *	-					
Saint Kitts and Nevis *	-				7 January 1993	
Saint Lucia *	-				27 March 1985	
Saint Vincent and the Grenadines *	-				1 October 1993	
Samoa *	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 *	Yes	9 August 1994	16 November 1994	25 July 1995	25 October 1984	
Seychelles *	Yes	29 July 1994	16 November 1994	15 December 1994	16 September 1991	
Sierra Leone *	-		12 December 1994	12 December 1994 ^{(p) 4/}	12 December 1994	
Singapore *	Yes		16 November 1994	17 November 1994 ^{(p) 4/}	17 November 1994	
Slovakia *	Yes	14 November 1994	16 November 1994			
Slovenia	Yes	19 January 1995	16 June 1995	16 June 1995	16 June 1995 ^(s)	

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)
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 * ^{2/}		-	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/}
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/}

		Agreement relating to the implementation of Part XI of the Convention			
State or entity ^{1/}	United Nations Convention on the Law of the Sea Date of ratification / accession ^(a) / succession ^(s)	Resolution 48/263 (Vote)	Signature	Provisional application ^{2/} as of	Ratification; accession; ^(a) definitive signature; ^(s) participation ^(p)
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		-			
<i>Tuvalu</i> * ^{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		-			
Vanuatu *		Yes	29 July 1994	16 November 1994	
Venezuela		Abstain			
Viet Nam *	25 July 1994	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)
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.

D. Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks^{1/}

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:

^{1/} A/CONF.164/37.

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 analyse 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 organizations or arrangements 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.

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

A. Recent national legislation received from Governments

Finland

Act ^{1/} amending the Act ^{2/} on the Limits of the Territorial Waters
of Finland (981/95)

According to the Act the outer limit of the territorial sea of Finland shall, with certain exceptions, extend to 12 nautical miles from the baselines. In the Gulf of Finland, the outer limit of the territorial sea shall at no place be closer to the midline than 3 nautical miles.

ANNEX

The base points of the outer limit of the inner territorial waters and the location
of the outer limit of Finland's territorial sea

Section 1

The baseline of the outer limit of the internal waters, referred to in section 4 (1) of the Finnish Territorial Waters Act, the degrees of latitude and longitude of which are given in the Finnish National Coordinate System, are during the thirty-year period 1995-2024 as follows:

<u>No.</u>	<u>Latitude north</u>	<u>Longitude east</u>
1	60° 19, 452'	27° 37, 202'
2	60° 18, 581'	27° 34, 716'
3	60° 15, 904'	27° 16, 433'
4	60° 14, 238'	27° 1, 845'
5	60° 9, 672'	26° 15, 752'
6	60° 2, 419'	25° 47, 682'
7	60° 5, 437'	25° 8, 157'
8	60° 2, 128'	24° 53, 709'
9	59° 52, 101'	24° 18, 368'
10	59° 47, 218'	23° 35, 505'
11	59° 44, 862'	23° 23, 941'
12	59° 44, 958'	22° 58, 431'
13	59° 42, 828'	22° 25, 102'
14	59° 40, 504'	21° 30, 088'
15	59° 44, 171'	20° 44, 352'
16	59° 48, 483'	19° 47, 125'
17	60° 9, 403'	19° 18, 241'

^{1/} Entry into force: 30 July 1995. Text communicated by the Permanent Mission of Finland to the United Nations in a note verbale dated 9 August 1995.

^{2/} The Act is reproduced in The law of the sea - national legislation on the territorial sea, the right of innocent passage and the contiguous zone, Division for Ocean Affairs and the Law of the Sea, 1995 (United Nations publication, Sales No. E.95.V.7), p. 129.

<u>No.</u>	<u>Latitude north</u>	<u>Longitude east</u>
18	60° 18, 019'	19° 8, 124'
19	60° 18, 081'	19° 8, 148'
20	60° 25, 902'	19° 23, 935'
21	60° 29, 875'	19° 42, 563'
22	60° 32, 411'	20° 12, 524'
23	60° 45, 947'	20° 44, 638'
24	61° 3, 050'	21° 10, 211'
25	61° 25, 339'	21° 16, 255'
26	61° 38, 782'	21° 19, 747'
27	62° 0, 992'	21° 14, 072'
28	62° 24, 801'	21° 5, 203'
29	62° 47, 068'	20° 50, 217'
30	62° 57, 655'	20° 44, 296'
31	63° 14, 228'	20° 35, 058'
32	63° 25, 460'	20° 47, 346'
33	63° 27, 198'	21° 8, 482'
34	63° 28, 491'	21° 44, 639'
35	63° 31, 707'	22° 9, 732'
36	63° 45, 089'	22° 31, 404'
37	63° 51, 837'	22° 37, 409'
38	63° 53, 196'	22° 39, 136'
39	63° 53, 726'	22° 39, 847'
40	63° 55, 701'	22° 42, 981'
41	63° 56, 237'	22° 44, 467'
42	63° 57, 627'	22° 48, 639'
43	64° 5, 572'	23° 23, 951'
44	64° 19, 981'	23° 26, 818'
45	64° 32, 274'	24° 15, 150'
46	64° 40, 893'	24° 19, 362'
47	65° 2, 379'	24° 33, 062'
48	65° 20, 151'	24° 39, 306'
49	65° 33, 835'	24° 18, 807'
50	65° 35, 962'	24° 1, 847'
51	59° 31, 158'	20° 24, 700'
52	59° 31, 090'	20° 25, 328'
53	59° 30, 240'	20° 21, 077'
54	59° 30, 291'	20° 21, 011'

Points 18 and 19 and points 50 and 51, respectively, are not connected by a baseline. Points 51 and 54 are connected by a baseline.

Section 2

The location of the outer limit of Finland's territorial sea is indicated by points that are connected either by the line of the shortest distance or by the circular arc defined by a given centre and radius.

As determined by the Peace Treaty signed in Paris on 10 February 1947 (690-691/47), starting from the western terminal point of the border limiting the territorial sea of Finland, the course of the border is through the following points, given in the Finnish National Coordinate System as degrees of latitude and longitude, to the south side of the islet of Market as far as the southern terminal point of the national frontier between Finland and Sweden (point No. 132 on the list):

<u>No.</u>	<u>Latitude north</u>	<u>Longitude east</u>
103	60° 11. 341'	26° 44. 675'
104	60° 9. 692'	26° 36. 845'
105	60° 9. 198'	26° 29. 702'
106	60° 2. 779'	26° 17. 867'
107	60° 2. 281'	26° 11. 498'
108	60° 0. 832'	26° 4. 689'
109	59° 58. 596'	26° 1. 223'
110	59° 55. 909'	25° 37. 404'
111	59° 55. 681'	25° 35. 147'
112	59° 55. 868'	25° 28. 462'
113	59° 56. 596'	25° 10. 348'
114	59° 55. 271'	24° 55. 986'
115	59° 53. 514'	24° 47. 310'
116	59° 49. 015'	24° 29. 487'
117	59° 47. 800'	24° 20. 116'
118	59° 47. 014'	24° 12. 554'
119	59° 39. 406'	23° 21. 313'
120	59° 38. 131'	22° 51. 638'
121	59° 36. 472'	22° 38. 266'
122	59° 30. 781'	22° 23. 985'
123	59° 28. 584'	21° 32. 209'
Points 123 and 124 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 14.		
124	59° 28. 964'	21° 26. 268'
125	59° 31. 947'	20° 45. 848'
126	59° 27. 456'	20° 23. 234'
Points 126 and 127 are connected by a circular arc the radius of which is 3 nautical miles and the centre of which, in accordance with section 1, is base point No. 53.		
127	59° 27. 964'	20° 17. 257'
128	59° 35. 466'	19° 59. 869'
129	59° 35. 703'	19° 56. 638'
130	59° 47. 501'	19° 39. 699'
131	60° 11. 501'	19° 5. 198'
132	60° 14. 114'	19° 6. 368'

North of the islet of Market, starting from the northern terminal point of the national frontier between Finland and Sweden, the course of the border is through the following points:

134	60° 22. 494'	19° 9. 877'
135	60° 36. 689'	19° 13. 421'
Points 135 and 136 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 20.		
136	60° 36. 871'	19° 14. 228'
137	60° 40. 866'	19° 32. 942'
Points 137 and 138 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 21.		

<u>No.</u>	<u>Latitude north</u>	<u>Longitude east</u>
138	60° 41. 660'	19° 38. 341'
139	60° 43. 650'	20° 1. 717'
140	60° 54. 104'	20° 26. 461'
141	61° 7. 609'	20° 46. 495'
142	61° 26. 815'	20° 51. 460'
143	61° 38. 768'	20° 54. 404'
144	61° 59. 212'	20° 48. 898'
145	62° 21. 960'	20° 40. 112'
146	62° 43. 465'	20° 25. 334'

Points 146 and 147 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 29.

147	62° 44. 079'	20° 24. 946'
148	62° 54. 675'	20° 18. 868'
149	63° 9. 882'	20° 10. 176'
150	63° 19. 903'	20° 24. 288'
151	63° 28. 961'	20° 42. 007'
152	63° 31. 152'	20° 56. 551'
153	63° 40. 013'	21° 30. 778'
154	63° 40. 325'	21° 39. 821'
155	63° 42. 059'	21° 53. 301'
156	63° 50. 841'	22° 7. 434'
157	63° 56. 187'	22° 12. 115'

Points 157 and 158 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 37.

158	63° 57. 650'	22° 13. 668'
159	63° 59. 128'	22° 15. 526'
160	63° 59. 774'	22° 16. 382'

Points 160 and 161 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 39.

161	64° 0. 548'	22° 17. 500'
162	64° 2. 530'	22° 20. 622'

Points 162 and 163 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 40.

163	64° 4. 927'	22° 25. 637'
164	64° 5. 612'	22° 27. 530'
165	64° 7. 150'	22° 32. 128'

Points 165 and 166 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 42.

166	64° 8. 234'	22° 36. 026'
167	64° 13. 189'	22° 57. 896'
168	64° 20. 975'	22° 59. 327'

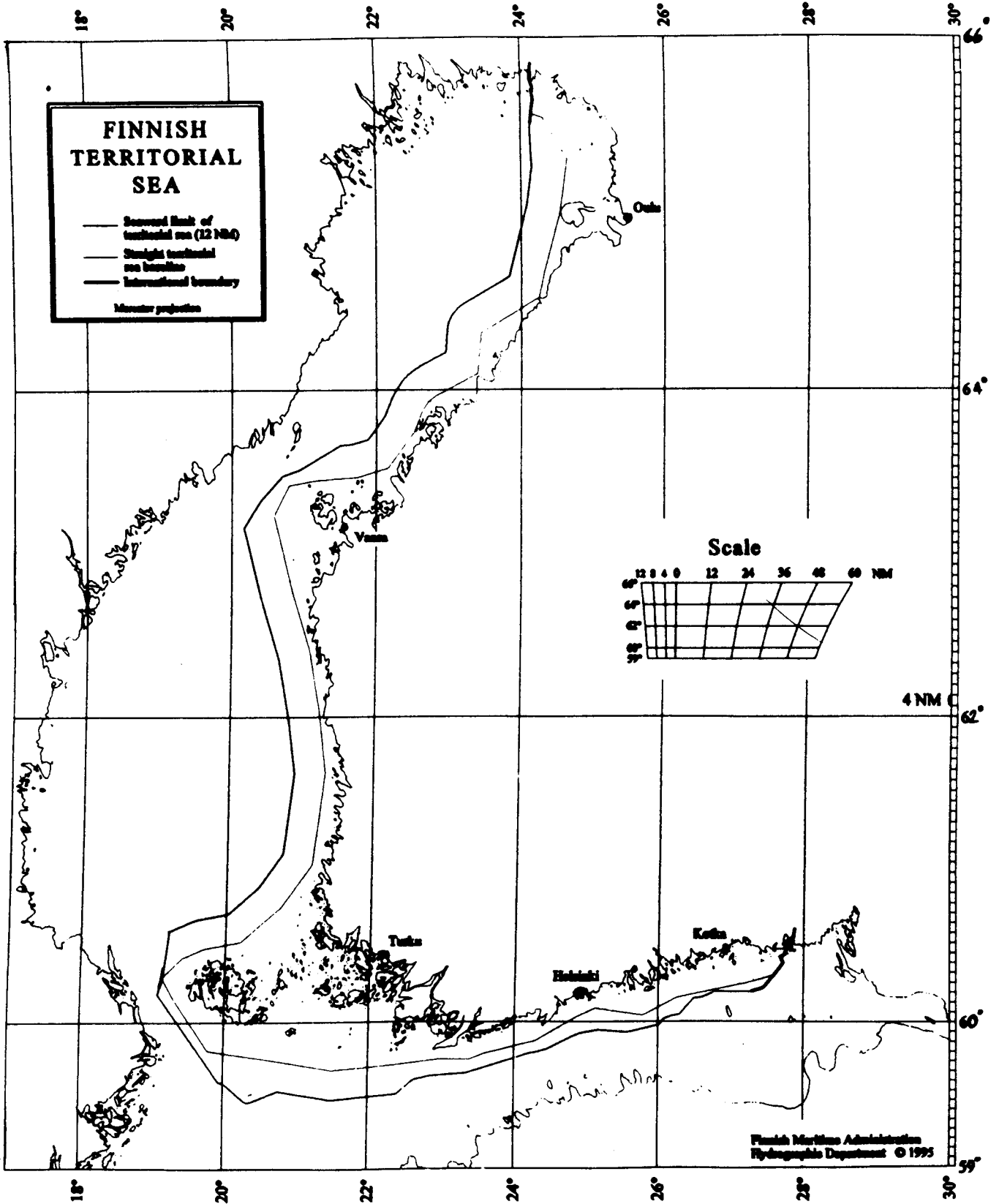
Points 168 and 169 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 44.

169	64° 30. 238'	23° 12. 589'
170	64° 39. 909'	23° 50. 376'
171	64° 43. 314'	23° 51. 988'

Points 171 and 172 are connected by a circular arc the radius of which is 12 nautical miles and the centre of which, in accordance with section 1, is base point No. 46.

<u>No.</u>	<u>Latitude north</u>	<u>Longitude east</u>
172	64° 43. 962'	23° 52. 340'
173	65° 4. 789'	24° 5. 263'
174	65° 17. 527'	24° 9. 503'
175	65° 30. 739'	24° 8. 216'

From the last-mentioned point, the course of the border is further in the direction of north-northwest towards the point referred to in section 7(3) of the Act on the Border of the Territorial Waters of Finland.



B. Treaties and statements

1. Agreement on illicit traffic by sea, implementing article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances^{3/}

The States members of the Council of Europe, having expressed their consent to be bound by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988, hereinafter referred to as "the Vienna Convention",

Considering that the aim of the Council of Europe is to achieve a greater unity between its members,

Convinced of the need to pursue a common criminal policy aimed at the protection of society,

Considering that the fight against serious crime, which has become an increasingly international problem, calls for close cooperation on an international scale,

Desiring to increase their cooperation to the fullest possible extent in the suppression of illicit traffic in narcotic drugs and psychotropic substances by sea, in conformity with the international law of the sea and in full respect of the principle of right of freedom of navigation,

Considering, therefore, that article 17 of the Vienna Convention should be supplemented by a regional agreement to carry out, and to enhance the effectiveness of, the provisions of that article,

Have agreed as follows:

CHAPTER I

DEFINITIONS

Article 1
Definitions

For the purposes of this Agreement:

(a) "Intervening State" means a State Party which has requested or proposes to request authorization from another Party to take action under this Agreement in relation to a vessel flying the flag or displaying the marks of registry of that other Party;

(b) "Preferential jurisdiction" means, in relation to a flag State having concurrent jurisdiction over a relevant offence with another State, the right to exercise its jurisdiction on a priority basis, to the exclusion of the exercise of the other State's jurisdiction over the offence;

(c) "Relevant offence" means any offence of the kind described in article 3, paragraph 1, of the Vienna Convention;

(d) "Vessel" means a ship or any other floating craft of any description, including hovercrafts and submersible crafts.

^{3/} For the text of the Convention, see United Nations Economic and Social Council documents E/CONF.82/15 and Corr. 1 and 2; the Convention entered into force on 11 November 1990.

CHAPTER II

INTERNATIONAL COOPERATION

Section 1
General provisions

Article 2
General principles

1. The Parties shall cooperate to the fullest extent possible to suppress illicit traffic in narcotic drugs and psychotropic substances by sea, in conformity with the international law of the sea.
2. In the implementation of this Agreement the Parties shall endeavour to ensure that their actions maximize the effectiveness of law enforcement measures against illicit traffic in narcotic drugs and psychotropic substances by sea.
3. Any action taken in pursuance of this Agreement shall take due account of the need not to interfere with or affect the rights and obligations of and the exercise of jurisdiction by coastal States, in accordance with the international law of the sea.
4. Nothing in this Agreement shall be so construed as to infringe the principle of non bis in idem, as applied in national law.
5. The Parties recognize the value of gathering and exchanging information concerning vessels, cargo and facts, whenever they consider that such exchange of information could assist a Party in the suppression of illicit traffic in narcotic drugs and psychotropic substances by sea.
6. Nothing in this Agreement affects the immunities of warships and other government vessels operated for non-commercial purposes.

Article 3
Jurisdiction

1. Each Party shall take such measures as may be necessary to establish its jurisdiction over the relevant offences when the offence is committed on board a vessel flying its flag.
2. For the purposes of applying this Agreement, each Party shall take such measures as may be necessary to establish its jurisdiction over the relevant offences committed on board a vessel flying the flag or displaying the marks of registry or bearing any other indication of nationality of any other Party to this Agreement. Such jurisdiction shall be exercised only in conformity with this Agreement.
3. For the purposes of applying this Agreement, each Party shall take such measures as may be necessary to establish its jurisdiction over the relevant offences committed on board a vessel which is without nationality, under international law.
4. The flag State has preferential jurisdiction over any relevant offence committed on board its vessel.
5. Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later date, by a declaration addressed to the Secretary General of the Council of Europe, inform the other Parties to the agreement of the criteria it intends to apply in respect of the exercise of the jurisdiction established pursuant to paragraph 2 of this article.

6. Any State which does not have warships or military aircraft or other government ships or aircraft operated for non-commercial purposes in service which would enable it to become an intervening State under this Agreement may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe declare that it will not apply paragraphs 2 and 3 of this article. A State which has made such a declaration is under the obligation to withdraw it when the circumstances justifying the reservation no longer exist.

Article 4
Assistance to flag States

1. A Party which has reasonable grounds to suspect that a vessel flying its flag is engaged in or being used for the commission of a relevant offence may request the assistance of other Parties in suppressing its use for that purpose. The Parties so requested shall render such assistance within the means available to them.
2. In making its request, the flag State may, inter alia, authorize the requested Party, subject to any conditions or limitations which may be imposed, to take some or all of the actions specified in this Agreement.
3. When the requested Party agrees to act upon the authorization of the flag State given to it in accordance with paragraph 2, the provisions of this Agreement in respect of the rights and obligations of the intervening State and the flag State shall, where appropriate and unless otherwise specified, apply to the requested and requesting Party, respectively.

Article 5
Vessels without nationality

1. A Party which has reasonable grounds to suspect that a vessel without nationality, or assimilated to a vessel without nationality under international law, is engaged in or being used for the commission of a relevant offence, shall inform such other Parties as appear most closely affected and may request the assistance of any such Party in suppressing its use for that purpose. The Party so requested shall render such assistance within the means available to it.
2. Where a Party, having received information in accordance with paragraph 1, takes action, it shall be for that Party to determine what actions are appropriate and to exercise its jurisdiction over any relevant offences which may have been committed by any persons on board the vessel.
3. Any Party which has taken action under this article shall communicate as soon as possible to the Party which has provided information, or made a request for assistance, the results of any action taken in respect of the vessel and any persons on board.

Section 2
Authorization procedures

Article 6
Basic rules on authorization

Where the intervening State has reasonable grounds to suspect that a vessel which is flying the flag or displaying the marks of registry of another Party or bears any other indications of nationality of the vessel is engaged in or being used for the commission of a relevant offence, the intervening State may request the authorization of the flag State to stop and board the vessel in waters beyond the territorial sea of any Party, and to take some or all of the other actions specified in this Agreement. No such actions may be taken by virtue of this Agreement, without the authorization of the flag State.

Article 7

Decision on the request for authorization

The flag State shall immediately acknowledge receipt of a request for authorization under article 6 and shall communicate a decision thereon as soon as possible and, wherever practicable, within four hours of receipt of the request.

Article 8

Conditions

1. If the flag State grants the request, such authorization may be made subject to conditions or limitations. Such conditions or limitations may, in particular, provide that the flag State's express authorization be given before any specified steps are taken by the intervening State.
2. Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by declaration addressed to the Secretary General of the Council of Europe declare that, when acting as an intervening State, it may subject its intervention to the condition that persons having its nationality who are surrendered to the flag State under article 15 and there convicted of a relevant offence shall have the possibility to be transferred to the intervening State to serve the sentence imposed.

Section 3

Rules governing action

Article 9

Authorized actions

1. Having received the authorization of the flag State, and subject to the conditions or limitations, if any, made under article 8, paragraph 1, the intervening State may take the following actions:
 - (i) (a) Stop and board the vessel;
 - (b) Establish effective control of the vessel and over any person thereon;
 - (c) Take any action provided for in subparagraph (ii) of this article which is considered necessary to establish whether a relevant offence has been committed and to secure any evidence thereof;
 - (d) Require the vessel and any persons thereon to be taken into the territory of the intervening State and detain the vessel there for the purpose of carrying out further investigations.
- (ii) and, having established effective control of the vessel:
 - (a) Search the vessel, anyone on it and anything in it, including its cargo;
 - (b) Open or require the opening of any containers, and make tests and take samples of anything on the vessel;
 - (c) Require any person on the vessel to give information concerning himself or anything on the vessel;
 - (d) Require the production of documents, books or records relating to the vessel or any persons or objects on it, and make photographs or copies of anything the production of which the competent authorities have power to require;

- (e) Seize, secure and protect any evidence or material discovered on the vessel.
2. Any action taken under paragraph 1 of this article shall be without prejudice to any right existing under the law of the intervening State of suspected persons not to incriminate themselves.

Article 10
Enforcement measures

1. Where, as a result of action taken under article 9, the intervening State has evidence that a relevant offence has been committed which would be sufficient under its laws to justify its either arresting the persons concerned or detaining the vessel, or both, it may so proceed.
2. The intervening State shall, without delay, notify the flag State of steps taken under paragraph 1 above.
3. The vessel shall not be detained for a period longer than that which is strictly necessary to complete the investigations into relevant offences. Where there are reasonable grounds to suspect that the owners of the vessel are directly involved in a relevant offence, the vessel and its cargo may be further detained on completion of the investigation. Persons not suspected of any relevant offence and objects not required as evidence shall be released.
4. Notwithstanding the provisions of the preceding paragraph, the intervening State and the flag State may agree with a third State Party to this Agreement that the vessel may be taken to the territory of that third State and, once the vessel is in that territory, the third State shall be treated for the purposes of this Agreement as an intervening State.

Article 11
Execution of action

1. Actions taken under articles 9 and 10 shall be governed by the law of the intervening State.
2. Actions under article 9, paragraph 1 (i) (a), (b) and (d) shall be carried out only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.
3. (a) An official of the intervening State may not be prosecuted in the flag State for any act performed in the exercise of his functions. In such a case, the official shall be liable to prosecution in the intervening State as if the elements constituting the offence had been committed within the jurisdiction of that State.
- (b) In any proceedings instituted in the flag State, offences committed against an official of the intervening State with respect to actions carried out under articles 9 and 10 shall be treated as if they had been committed against an official of the flag State.
4. The master of a vessel which has been boarded in accordance with this Agreement shall be entitled to communicate with the authorities of the vessel's flag State as well as with the owners or operators of the vessel for the purpose of notifying them that the vessel has been boarded. However, the authorities of the intervening State may prevent or delay any communication with the owners or operators of the vessel if they have reasonable grounds for believing that such communication would obstruct the investigations into a relevant offence.

Article 12
Operational safeguards

1. In the application of this Agreement, the Parties concerned shall take due account of the need not to endanger the safety of life at sea, the security of the vessel and cargo and not to prejudice any commercial or legal interest. In particular, they shall take into account:

(a) The dangers involved in boarding a vessel at sea, and give consideration to whether this could be more safely done at the vessel's next port of call;

(b) The need to minimize any interference with the legitimate commercial activities of a vessel;

(c) The need to avoid unduly detaining or delaying a vessel;

(d) The need to restrict the use of force to the minimum necessary to ensure compliance with the instructions of the intervening State.

2. The use of firearms against, or on, the vessel shall be reported as soon as possible to the flag State.

3. The death, or injury, of any person aboard the vessel shall be reported as soon as possible to the flag State. The authorities of the intervening State shall fully cooperate with the authorities of the flag State in any investigation the flag State may hold into any such death or injury.

Section 4
Rules governing the exercise of jurisdiction

Article 13
Evidence of offences

1. To enable the flag State to decide whether to exercise its preferential jurisdiction in accordance with the provisions of article 14, the intervening State shall without delay transmit to the flag State a summary of the evidence of any offences discovered as a result of action taken pursuant to article 9. The flag State shall acknowledge receipt of the summary forthwith.

2. If the intervening State discovers evidence which leads it to believe that offences outside the scope of this Agreement may have been committed, or that suspect persons not involved in relevant offences are on board the vessel, it shall notify the flag State. Where appropriate, the Parties involved shall consult.

3. The provisions of this Agreement shall be so construed as to permit the intervening State to take measures, including the detention of persons, other than those aimed at the investigation and prosecution of relevant offences, only when:

(a) The flag State gives its express consent; or

(b) Such measures are aimed at the investigation and prosecution of an offence committed after the person has been taken into the territory of the intervening State.

Article 14
Exercise of preferential jurisdiction

1. A flag State wishing to exercise its preferential jurisdiction shall do so in accordance with the provisions of this article.

2. It shall notify the intervening State to this effect as soon as possible and at the latest within fourteen days from the receipt of the summary of evidence pursuant to article 13. If the flag State fails to do this, it shall be deemed to have waived the exercise of its preferential jurisdiction.
3. Where the flag State has notified the intervening State that it exercises its preferential jurisdiction, the exercise of the jurisdiction of the intervening State shall be suspended, save for the purpose of surrendering persons, vessels, cargoes and evidence in accordance with this Agreement.
4. The flag State shall submit the case forthwith to its competent authorities for the purpose of prosecution.
5. Measures taken by the intervening State against the vessel and persons on board may be deemed to have been taken as part of the procedure of the flag State.

Article 15

Surrender of vessels, cargoes, persons and evidence

1. Where the flag State has notified the intervening State of its intention to exercise its preferential jurisdiction, and if the flag State so requests, the persons arrested, the vessel, the cargo and the evidence seized shall be surrendered to that State in accordance with the provisions of this Agreement.
2. The request for the surrender of arrested persons shall be supported by, in respect of each person, the original or a certified copy of the warrant of arrest or other order having the same effect, issued by a judicial authority in accordance with the procedure prescribed by the law of the flag State.
3. The Parties shall use their best endeavours to expedite the surrender of persons, vessels, cargoes and evidence.
4. Nothing in this Agreement shall be so construed as to deprive any detained person of his right under the law of the intervening State to have the lawfulness of his detention reviewed by a court of that State, in accordance with procedures established by its national law.
5. Instead of requesting the surrender of the detained person or of the vessel, the flag State may request their immediate release. Where this request has been made, the intervening State shall release them forthwith.

Article 16

Capital punishment

If any offence for which the flag State decides to exercise its preferential jurisdiction in accordance with article 14 is punishable by death under the law of that State, and if in respect of such an offence the death penalty is not provided by the law of the intervening State or is not normally carried out, the surrender of any person may be refused unless the flag State gives such assurances as the intervening State considers sufficient that the death penalty will not be carried out.

Section 5

Procedural and other general rules

Article 17

Competent authorities

1. Each Party shall designate an authority, which shall be responsible for sending and answering requests under articles 6 and 7 of this Agreement. So far as is practicable, each Party shall make arrangements so that this authority may receive and respond to the requests at any hour of any day or night.

2. The Parties shall furthermore designate a central authority which shall be responsible for the notification of the exercise of preferential jurisdiction under article 14 and for all other communications or notifications under this Agreement.

3. Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this article, together with any other information facilitating communication under this Agreement. Any subsequent change with respect to the name, address or other relevant information concerning such authorities shall likewise be communicated to the Secretary General.

Article 18

Communication between designated authorities

1. The authorities designated under article 17 shall communicate directly with one another.

2. Where, for any reason, direct communication is not practicable, Parties may agree to use the communication channels of ICPO-Interpol or of the Customs Cooperation Council.

Article 19

Form of request and languages

1. All communications under articles 4 to 16 shall be made in writing. Modern means of telecommunications, such as telefax, may be used.

2. Subject to the provisions of paragraph 3 of this article, translations of the requests, other communications and supporting documents shall not be required.

3. At the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, any Party may communicate to the Secretary General of the Council of Europe a declaration that it reserves the right to require that requests, other communications and supporting documents sent to it be made in or accompanied by a translation into its own language or into one of the official languages of the Council of Europe or into such one of these languages as it shall indicate. It may on that occasion declare its readiness to accept translations in any other language as it may specify. The other Parties may apply the reciprocity rule.

Article 20

Authentication and legalization

Documents transmitted in application of this Agreement shall be exempt from all authentication and legalization formalities.

Article 21

Content of request

A request under article 6 shall specify:

- (a) The authority making the request and the authority carrying out the investigations or proceedings;
- (b) Details of the vessel concerned, including, as far as possible, its name, a description of the vessel, any marks of registry or other signs indicating nationality, as well as its location, together with a request for confirmation that the vessel has the nationality of the requested Party;
- (c) Details of the suspected offences, together with the grounds for suspicion;

(d) The action it is proposed to take and an assurance that such action would be taken if the vessel concerned had been flying the flag of the intervening State.

Article 22
Information for owners and masters

Each Party shall take such measures as may be necessary to inform the owners and masters of vessels flying their flag that States Parties to this Agreement may be granted the authority to board vessels beyond the territorial sea of any Party for the purposes specified in this Agreement and to inform them in particular of the obligation to comply with instructions given by a boarding party from an intervening State exercising that authority.

Article 23
Restriction of use

The flag State may make the authorization referred to in article 6 subject to the condition that the information or evidence obtained will not, without its prior consent, be used or transmitted by the authorities of the intervening State in respect of investigations or proceedings other than those relating to relevant offences.

Article 24
Confidentiality

The Parties concerned shall, if this is not contrary to the basic principles of their national law, keep confidential any evidence and information provided by another Party in pursuance of this Agreement, except to the extent that its disclosure is necessary for the application of the Agreement or for any investigations or proceedings.

Section 6
Costs and damages

Article 25
Costs

1. Unless otherwise agreed by the Parties concerned, the cost of carrying out any action under articles 9 and 10 shall be borne by the intervening State, and the cost of carrying out action under articles 4 and 5 shall normally be borne by the Party which renders assistance.
2. Where the flag State has exercised its preferential jurisdiction in accordance with article 14, the cost of returning the vessel and of transporting suspected persons and evidence shall be borne by it.

Article 26
Damages

1. If, in the process of taking action pursuant to articles 9 and 10 above, any person, whether natural or legal, suffers loss, damage or injury as a result of negligence or some other fault attributable to the intervening State, it shall be liable to pay compensation in respect thereof.
2. Where the action is taken in a manner which is not justified by the terms of this Agreement, the intervening State shall be liable to pay compensation for any resulting loss, damage or injury. The intervening State shall also be liable to pay compensation for any such loss, damage or injury, if the suspicions prove to be unfounded and provided that the vessel boarded, the operator or the crew have not committed any act justifying them.

3. Liability for any damage resulting from action under article 4 shall rest with the requesting State, which may seek compensation from the requested State where the damage was a result of negligence or some other fault attributable to that State.

CHAPTER III FINAL PROVISIONS

Article 27 Signature and entry into force

1. This Agreement shall be open for signature by the States members of the Council of Europe which have already expressed their consent to be bound by the Vienna Convention. They may express their consent to be bound by this Agreement by:

(a) Signature without reservation as to ratification, acceptance or approval; or

(b) Signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Agreement shall enter into force on the first day of the month following the expiry of a period of three months after the date on which three States members of the Council of Europe have expressed their consent to be bound by the Agreement in accordance with the provisions of paragraph 1.

4. In respect of any signatory State which subsequently expresses its consent to be bound by it, the Agreement shall enter into force on the first day of the month following the expiry of a period of three months after the date of its consent to be bound by the Agreement in accordance with the provisions of paragraph 1.

Article 28 Accession

1. After the entry into force of this Agreement, the Committee of Ministers of the Council of Europe, after consulting the Contracting States to the Agreement, may invite any State which is not a member of the Council but which has expressed its consent to be bound by the Vienna Convention to accede to this Agreement, by a decision taken by the majority provided for in article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2. In respect of any acceding State, this Agreement shall enter into force on the first day of the month following the expiry of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 29 Territorial application

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories in respect of which its consent to be bound to this Agreement shall apply.

2. Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend its consent to be bound by the present Agreement to any other territory specified in the

declaration. In respect of such territory the Agreement shall enter into force on the first day of the month following the expiry of a period of three months after the date of receipt of such declaration by the Secretary General.

3. In respect of any territory subject to a declaration under paragraphs 1 and 2 above, authorities may be designated under article 17, paragraphs 1 and 2.

4. Any declaration made under the preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of such notification by the Secretary General.

Article 30

Relationship to other conventions and agreements

1. This Agreement shall not affect rights and undertakings deriving from the Vienna Convention or from any international multilateral conventions concerning special matters.

2. The Parties to the Agreement may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Agreement, for the purpose of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it and in article 17 of the Vienna Convention.

3. If two or more Parties have already concluded an agreement or treaty in respect of a subject dealt with in this Agreement or have otherwise established their relations in respect of that subject, they may agree to apply that agreement or treaty or to regulate those relations accordingly, in lieu of the present Agreement, if it facilitates international cooperation.

Article 31

Reservations

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of one or more of the reservations provided for in article 3, paragraph 6, article 19, paragraph 3, and article 34, paragraph 5. No other reservation may be made.

2. Any State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

3. A Party which has made a reservation in respect of a provision of this Agreement may not claim the application of that provision by any other Party. It may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

Article 32

Monitoring committee

1. After the entry into force of the present Agreement, a monitoring committee of experts representing the Parties shall be convened at the request of a Party to the Agreement by the Secretary General of the Council of Europe.

2. The monitoring committee shall review the working of the Agreement and make appropriate suggestions to secure its efficient operation.

3. The monitoring committee may decide its own procedural rules.
4. The monitoring committee may decide to invite States not parties to the Agreement as well as international organizations or bodies, as appropriate, to its meetings.
5. Each Party shall send every second year a report on the operation of the Agreement to the Secretary General of the Council of Europe in such form and manner as may be decided by the monitoring committee or the European Committee on Crime Problems. The monitoring committee may decide to circulate the information supplied or a report thereon to the Parties and to such international organizations or bodies as it deems appropriate.

Article 33
Amendments

1. Amendments to this Agreement may be proposed by any Party, and shall be communicated by the Secretary General of the Council of Europe to the States members of the Council of Europe and to every non-member State which has acceded to or has been invited to accede to the Agreement in accordance with the provisions of article 28.
2. Any amendment proposed by a Party shall be communicated to the European Committee on Crime Problems, which shall submit to the Committee of Ministers its opinion on the proposed amendment.
3. The Committee of Ministers shall consider the proposed amendment and the opinion submitted by the European Committee on Crime Problems, and may adopt the amendment.
4. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this article shall be forwarded to the Parties for acceptance.
5. Any amendment adopted in accordance with paragraph 3 of this article shall come into force on the thirtieth day after all the Parties have informed the Secretary General of their acceptance thereof.

Article 34
Settlement of disputes

1. The European Committee on Crime Problems of the Council of Europe shall be kept informed of the interpretation and application of this Agreement.
2. In case of a dispute between Parties as to the interpretation or application of this Agreement, the Parties shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to the European Committee on Crime Problems, to an arbitral tribunal whose decisions shall be binding upon the Parties, mediation, conciliation or judicial process, as agreed upon by the Parties concerned.
3. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or on any later date, by a declaration addressed to the Secretary General of the Council of Europe, declare that, in respect of any dispute concerning the interpretation or application of this Agreement, it recognizes as compulsory, without prior agreement, and subject to reciprocity, the submission of the dispute to arbitration in accordance with the procedure set out in the annex to this Agreement.
4. Any dispute which has not been settled in accordance with paragraphs 2 or 3 of this article shall be referred, at the request of any one of the parties to the dispute, to the International Court of Justice for decision.

5. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it does not consider itself bound by paragraph 4 of this article.

6. Any Party having made a declaration in accordance with paragraphs 3 or 5 of this article may at any time withdraw the declaration by notification to the Secretary General of the Council of Europe.

Article 35
Denunciation

1. Any Party may, at any time, denounce this Agreement by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of the notification by the Secretary General.

3. The present Agreement shall, however, continue to remain effective in respect of any actions or proceedings based on applications or requests made during the period of its validity in respect of the denouncing Party.

Article 36
Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council, any State which has acceded to this Agreement and the Secretary General of the United Nations of:

- (a) Any signature;
- (b) The deposit of any instrument of ratification, acceptance, approval or accession;
- (c) The name of any authority and any other information communicated pursuant to article 17;
- (d) Any reservation made in accordance with article 31, paragraph 1;
- (e) The date of entry into force of this Agreement in accordance with articles 27 and 28;
- (f) Any request made under article 32, paragraph 1, and the date of any meeting convened under that paragraph;
- (g) Any declaration made under article 3, paragraphs 5 and 6, article 8, paragraph 2, article 19, paragraph 3 and article 34, paragraphs 3 and 5;
- (h) Any other act, notification or communication relating to this Agreement.

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

DONE at Strasbourg, this ... day of ... 1994, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each State member of the Council of Europe and to any State invited to accede to this Agreement.

ANNEX

1. The Party to the dispute requesting arbitration pursuant to article 34, paragraph 3, shall inform the other Party in writing of the claim and of the grounds on which its claim is based.
2. The Parties concerned shall establish an arbitral tribunal.
3. The arbitral tribunal shall consist of three members. Each Party shall nominate an arbitrator. Both Parties shall, by common accord, appoint the presiding arbitrator.
4. Failing such nomination or such appointment by common accord within four months from the date on which the arbitration was requested, the necessary nomination or appointment shall be entrusted to the Secretary General of the Permanent Court of Arbitration.
5. Unless the Parties agree otherwise, the tribunal shall determine its own procedure.
6. Unless otherwise agreed between the Parties, the tribunal shall decide on the basis of the applicable rules of international law or, in the absence of such rules, ex aequo et bono.
7. The tribunal shall reach its decision by a majority of votes. Its decision shall be final and binding.

2. Statement of the Ministers for Foreign Affairs of the States members of the Permanent Commission for the South Pacific ^{4/}

In view of the announcement made by the President of the French Republic regarding the resumption of nuclear tests at Mururoa Atoll in September 1995 and their continuation until May 1996, the Ministers for Foreign Affairs of the States members of the Permanent Commission for the South Pacific unanimously state:

1. That they strongly deplore this decision, which interrupts the moratorium observed by France since 1992; runs counter to the negotiations under way on a comprehensive nuclear-test-ban treaty; and revives nuclear competition by indirectly encouraging a similar attitude in other countries with nuclear capability.
2. That the decision of the French Government contradicts the spirit and the objectives of the agreements adopted recently in New York in the context of the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, as well as those of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco).
3. That nuclear testing in the South Pacific poses a potential threat to the health and safety of the populations, living resources and environment of coastal countries, and fails to observe the precautionary principle proclaimed in the Rio Declaration on Environment and Development.

The Ministers for Foreign Affairs of Colombia, Chile, Ecuador and Peru urgently call upon the French Government to reconsider this decision.

This statement shall be issued simultaneously in Santa Fe de Bogotá, Santiago, Quito and Lima on 4 July 1995.

Press release issued by the Secretariat of the Permanent Commission for the South Pacific

The secretariat of the Permanent Commission for the South Pacific hereby notifies the public that it is making arrangements with the Ministries of Foreign Affairs of Colombia, Chile, Ecuador and Peru, the countries members of the Commission, to maintain this organization's traditional policy on nuclear testing in the South Pacific if France should resume such testing.

The secretariat recalls that in August 1993, at its twenty-first regular meeting, the Commission adopted resolution No. 16, in which it resolved to take note with great satisfaction of the suspension of nuclear testing in the Pacific Ocean and to urge the countries which had discontinued nuclear testing to consider that measure as the beginning of an indefinite suspension that would help to promote world peace and, in particular, to protect the marine environment.

^{4/} Communicated by the Permanent Commission for the South Pacific to the Secretariat as a press release dated 9 June 1995.

3. Treaty between the Kingdom of Spain and the Italian Republic to combat illicit drug trafficking at sea^{5/}

[Original: Spanish]

The Kingdom of Spain and the Italian Republic,

Concerned by the growing illicit international traffic in narcotic drugs and psychotropic substances and its impact on rising crime rates in their countries,

Aware that the sea is one of the channels of distribution of these substances,

Desiring to cooperate by means of a bilateral treaty with the worldwide objective of eradicating this type of traffic, thus complementing the Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the Geneva Convention on the High Seas of 29 April 1958,

Have decided to conclude a treaty to combat illicit trafficking in narcotic drugs and psychotropic substances and to this end have agreed as follows:

Article 1
Definitions

Solely for the purposes of this Treaty:

(a) "Ship" means any seagoing craft or surface vessel that contains or transports goods and/or persons;

(b) "Warship" means any duly authorized ship conforming to the definition in article 8, paragraph 2, of the Geneva Convention on the High Seas of 29 April 1958, the actions of which must be coordinated by the competent national authorities;

(c) Solely for the purposes covered by articles 4, 5 and 6, the expressions "flag displayed by the ship" and "under whose flag the ship was sailing" signify not only a ship sailing under the flag of its own State, but also a ship flying no flag but belonging to a natural person or legal entity in one of the Parties.

Article 2
Offences

1. Each Contracting Party shall treat as an offence, and punish accordingly, all acts committed on board ships or through the use of any other boat or surface vessel which are not excluded from the scope of this Treaty under the terms of article 3, connected with the possession of narcotic drugs and psychotropic substances, as defined by the international treaties by which the Parties are bound, for the purposes of distribution, transport, storage, sale, manufacture or processing.

2. Attempting to commit an offence, failing to commit an offence for reasons beyond the control of the perpetrator, participation and complicity are likewise punishable.

^{5/} Communicated to the Secretariat by a letter from the head of the legal division of the Ministry of Foreign Affairs of Spain.

Article 3
Ships excluded from the scope of the Treaty

This Treaty shall apply neither to warships nor to non-commercial public service vessels used by either of the Parties.

Article 4
Jurisdiction

1. Each Party shall exercise sole jurisdiction over acts committed in its territorial waters, free zones or free ports, even if the said acts were initiated or terminated in the other State.

Should there be a discrepancy with regard to the extent of the territorial waters of each Contracting Party, solely for the purposes of this Treaty the limit of the territorial waters of each Party shall correspond to the maximum limit stipulated by the law of one of the Parties.

2. In the case of acts covered by article 2 committed outside the territorial waters of one of the States, preferential jurisdiction shall be exercised by the State under whose flag the ship was sailing, on board which or by means of which the offence was committed.

Article 5
Right of intervention

1. Should there be reasonable grounds to suspect that offences covered by article 2 are being committed, each Party recognizes the other's right to intervene as its agent in waters outside its own territorial limits, in respect of ships displaying the flag of the other State. On ships sailing under national flags, police powers granted by the respective legal systems remain valid.

2. In exercising this authority, warships or military aircraft, or any other duly authorized ship or aircraft visibly displaying exterior markings and identifiable as ships or aircraft in the service of the State of one of the Parties, may pursue, arrest and board the ship, check documents, question persons on board, and if reasonable suspicion remains, search the ship, seize drugs and arrest the persons involved and, where appropriate, escort the ship to the nearest suitable port, informing - if possible before, otherwise immediately on arrival - the State under whose flag the ship is sailing.

3. This authority shall be exercised in accordance with the general rules of international law.

4. When action is taken pursuant to this article, the Parties concerned shall take due account of the need not to endanger the safety of life at sea or the security of the ship and its cargo, or to damage the commercial and legal interests of the flag State in question, or of any other interested State.

In any event, if a Party intervenes without adequate grounds for suspicion, it may be held liable for any loss or damage incurred, unless the intervention was at the request of the State under whose flag the ship was sailing.

5. In the event of the legal action over liability for any loss or damage arising from intervention as described under points 1 and 2 of paragraph 4, or over the extent of compensation, each Party recognizes the jurisdiction of the International Chamber of Commerce in London.

Article 6
Renunciation of jurisdiction

1. If a Party has carried out any of the measures provided for in article 5, it may request the State under whose flag the ship was sailing to renounce its preferential jurisdiction.
2. The State under whose flag the ship was sailing shall examine the request in good faith and, in arriving at its decision, shall take into consideration, among other criteria, the place of seizure, the conditions under which evidence was obtained, any correlation between proceedings, the nationality of those involved and their place of residence.
3. If the State under whose flag the ship was sailing renounces its preferential jurisdiction, it shall provide the other State with the information and documents in its possession. If it decides to exercise its jurisdiction, the other State shall transfer to it any documents obtained, items to be used in evidence, the persons arrested, and any other element relevant to the case.
4. The decision to exercise jurisdiction must be notified to the requesting Party within 60 days of the date of receipt of the request.

The necessary urgent legal measures which custom requires be carried out and the request to renounce the exercise of preferential jurisdiction shall be governed by the legal system of the intervening State.

If the deadline provided for in the present article expires without any decision having been notified, jurisdiction will be deemed to have been renounced.

In addition to the usual channels of communication, the Parties shall specify which of their central authorities are empowered to forward requests for exercise of jurisdiction.

Article 7
Judicial assistance

1. Judicial assistance shall be provided in accordance with the relevant international treaties by which the Parties are bound.
2. Periods spent in remand on the territory of one of the States Parties shall be deducted from the sentence passed by the State exercising jurisdiction.

Article 8
Repeated offences

1. Verdicts reached by the courts of one of the parties against its own nationals for offences covered by this Treaty, and for any other offence concerning traffic in narcotic drugs or psychotropic substances and those handed down against persons who are in any case subject to the jurisdiction of either Party, shall be taken into consideration by the courts of the other Party when dealing with repeated offences.
2. On request, the Parties shall communicate to each other in good time any verdicts as referred to in the previous paragraph handed down on nationals of the other Party or on any other person convicted of offences in connection with narcotic drugs or psychotropic substances.

Article 9
Final provisions

1. This Treaty shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Madrid.
2. This Treaty shall come into force on the thirtieth day following the exchange of instruments of ratification and shall remain in force for an unlimited period, unless one of the Parties notifies the other Party through the diplomatic channels that it wishes to terminate the Treaty, in which case termination shall take effect six months after the date of receipt of notification.
3. When exchanging instruments of ratification, the Parties shall specify their central authorities as provided for in article 6, paragraph 4.

IN WITNESS WHEREOF, the undersigned, duly authorized by their Governments, have signed this Treaty.

Done at Madrid on 23 March 1990, in duplicate, in Spanish and Italian, both texts being equally authentic.

This Treaty shall enter into force on 7 May 1994, thirty days following the exchange of instruments of ratification, pursuant to article 9, paragraph 2.

The exchange of instruments took place at Madrid on 8 April 1994.

III. INFORMATION ABOUT THE INTERNATIONAL SEABED AUTHORITY

A. List of members of the International Seabed Authority as of 7 August 1995

1. Afghanistan
2. Albania
3. Algeria
4. Andorra
5. Angola
6. Antigua and Barbuda
7. Argentina
8. Armenia
9. Australia
10. Austria
11. Bahamas
12. Bahrain
13. Bangladesh
14. Barbados
15. Belarus
16. Belgium
17. Belize
18. Benin
19. Bhutan
20. Bolivia
21. Bosnia and Herzegovina
22. Botswana
23. Brazil
24. Brunei Darussalam
25. Burkina Faso
26. Burundi
27. Cambodia
28. Cameroon
29. Canada
30. Cape Verde
31. Chile
32. China
33. Comoros
34. Congo
35. Cook Islands
36. Costa Rica
37. Côte d'Ivoire
38. Croatia
39. Cuba
40. Cyprus
41. Czech Republic
42. Djibouti
43. Dominica
44. Egypt
45. Eritrea
46. Estonia
47. Ethiopia
48. *European Community*
49. Fiji
50. Finland
51. France
52. Gabon
53. Gambia
54. Germany
55. Ghana
56. Greece
57. Grenada
58. Guinea
59. Guinea-bissau
60. Guyana
61. Honduras
62. Hungary
63. Iceland
64. India
65. Indonesia
66. Iraq
67. Italy
68. Jamaica
69. Japan
70. Kenya
71. Kuwait
72. Lao People's Democratic Republic
73. Lebanon
74. Libyan Arab Jamahiriya
75. Liechtenstein
76. Luxembourg
77. Madagascar
78. Malaysia
79. Maldives
80. Mali
81. Malta
82. Marshall Islands
83. Mauritania
84. Mauritius
85. Mexico

86. Micronesia (Federated States of)
87. Monaco
88. Mongolia
89. Mozambique
90. Myanmar
91. Namibia
92. Nepal
93. Netherlands
94. New Zealand
95. Nigeria
96. Norway
97. Oman
98. Pakistan
99. Papua New Guinea
100. Paraguay
101. Philippines
102. Poland
103. Qatar
104. Republic of Korea
105. Republic of Moldova
106. Russian Federation
107. Saint Kitts and Nevis
108. Saint Lucia
109. Saint Vincent and
the Grenadines
110. Samoa
111. Sao Tome And Principe
112. Senegal
113. Seychelles
114. Sierra Leone
115. Singapore
116. Slovakia
117. Slovenia
118. Solomon Islands
119. Somalia
120. South Africa
121. Sri Lanka
122. Sudan
123. Suriname
124. Swaziland
125. Switzerland
126. The former Yugoslav Republic
of Macedonia
127. Togo
128. Tonga
129. Trinidad And Tobago
130. Tunisia
131. Uganda
132. Ukraine
133. United Arab Emirates
134. United Kingdom of Great Britain and
Northern Ireland
135. United Republic of Tanzania
136. United States of America
137. Uruguay
138. Vanuatu
139. Viet Nam
140. Yemen
141. Yugoslavia
142. Zaire
143. Zambia
144. Zimbabwe

**B. The International Seabed Authority concludes first session,
Kingston, 7-17 August 1995 ^{1/}**

Kingston, 17 August - The Assembly of the International Seabed Authority concluded its first session on Friday, 17 August, after intensive consultations over the past two weeks on the selection of members of the 36-member Council of the Authority. The session was held in three parts, beginning in late 1994 and continuing with two parts in 1995.

The session, which began its final part on 7 August, ended without agreement on the composition of the Council of the Authority which is to be based on criteria laid down in the 1982 United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of the Convention. In all, there are five groups to be represented on the Council, with members representing groups of States with a common economic or other special interest, or a regional grouping. Overall, the Council is to have an equitable geographical distribution and a balance between developed and developing States.

Council of the International Seabed Authority

The Convention on the Law of the Sea set up the International Seabed Authority to administer the resources of the deep seabed beyond the limits of national jurisdiction. The two main organs of the Authority are the Assembly, whose membership consists of all parties to the Convention, as well as all those States which have agreed to the provisional application of the 1994 Agreement. The other main organ is the Council, which will consist of 36 members elected by the Assembly. According to the Agreement, the membership of the Council is to reflect four main elements: States with a special interest in deep seabed mining, such as the largest consumers or largest producers of the same minerals to be mined from the seabed; States that have pioneered large investments and activity in the Area; developing countries with special interests, such as land-locked or populous States; and an equitable geographical representation, as well as a balance between developed and developing States.

Membership in the Council is of particular relevance in view of the powers assigned to that body. Although the Assembly of the Authority is designated by the Convention as the supreme organ of the Authority, the Council is given wide-ranging powers as the executive organ. Among the matters over which the Council will have direct control are the financial and budgetary arrangements of the Authority and the review and approval of contracts for the exploration and exploitation of areas of the international seabed. The Council has become even more important in the light of the decision-making procedures contained in the 1994 Agreement. In essence, the Agreement prohibits the Assembly from taking any decision on a matter of substance that contradicts a decision taken by the Council.

Most significantly, the Agreement specifies: "Decisions of the Assembly on any matter for which the Council also has competence or any administrative, budgetary or financial matter shall be based on the recommendations of the Council. If the Assembly does not accept the recommendation of the Council on any matter, it shall return the matter to the Council for further consideration. The Council shall reconsider the matter in the light of views expressed by the Assembly."

The Agreement has also significantly revised the decision-making procedures in the Council by emphasizing that all efforts should be made to reach a consensus on any matter before the Council. Should efforts to reach consensus fail, matters of substance are to be decided by a two-thirds majority of the members of the Council present and voting, with the proviso that any decision must not be opposed by a majority in any of the interest groups represented in the Council.

^{1/} Excerpts from United Nations Department of Public Information press release No. SEA/1502 of 21 August 1995.

The Agreement and the Convention provide that the Council shall consist of 36 members elected by the Assembly in the following order:

Group A, consisting of four members from among those States parties that, during the last five years for which statistics are available, have either consumed more than 2 per cent of the total world consumption or have imported more than 2 per cent of the total world imports of the commodities produced from the categories of minerals to be derived from the Area;

Group B, consisting of four members from among the eight parties that have made the largest investment, either directly or through their nationals, in seabed mining activities;

Group C, consisting of four members from among parties that, on the basis of production in areas under their national jurisdiction, are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies;

Group D, which will have six members from among developing States parties representing special interests, including States with large populations, States which are land-locked or geographically disadvantaged, island States, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals and least developed States; and

Group E, consisting of 18 members elected according to the principle of equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall have at least one member elected under this criterion.

The composition of the Council is of a particularly delicate nature since many of the States eligible for membership in one group could also put forward their candidacies for other groups where their interests will be represented. For example, the United States, now a candidate for the group of largest consumers, can also be a candidate for the group of States with the largest investment in seabed mining (Group B).

Interim arrangements

The General Assembly (resolution 48/263) decided to fund the administrative expenses of the Authority on a temporary basis in accordance with the recommendations contained in the Agreement relating to the Implementation of Part XI of the Convention. The Agreement specified that the budget of the Authority should be funded from the regular budget of the United Nations until one year after the entry into force of the Agreement. In any case, this temporary arrangement, irrespective of whether the Agreement has come into force by then, will end on 16 November 1998 when the provisional application of the Agreement comes to an end.

The failure to select a Council has prevented the composition and election of a Finance Committee, one of whose functions is to review the administrative budget of the Authority and to make appropriate recommendations to the Council and the Assembly. In his report to the Assembly, the President noted that the budget of the Authority for 1996 was to have been prepared by the Secretary-General of the Authority, who is yet to be elected. To bridge this gap, and purely as a stopgap measure, the Secretariat of the United Nations has proposed keeping the same basic budget resources allotted to the Authority in 1995 during the biennium 1996-1997. That would be a temporary measure, pending submission of the budget of the Authority, as agreed by its Assembly, to the fiftieth session of the General Assembly.

The President went on to note that it was unlikely that a Secretary-General of the Authority, one of whose tasks would be to prepare the draft budget for review by the Finance Committee, would be elected before March 1996. That would be too late for the General Assembly to consider it at its fiftieth session. Therefore, he suggested that the Secretary-General of the United Nations be entrusted with the task of preparing the budget of the Authority for 1996.

Linked to the budgetary measures, the President suggested that the Assembly use the facilities and staff of the Kingston Office for the Law of the Sea from 1 October 1995 until the time the Secretary-General of the Authority took office. He explained that that decision was urgent in view of the fact that under current arrangements the Kingston Office, which has been providing secretariat service to the Authority, was to be abolished as of 30 September 1995.
