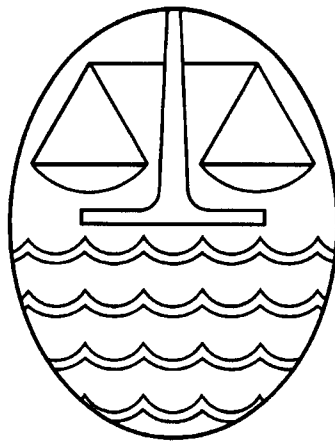


Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs

# ***Law of the Sea***



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## NOTE

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I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Status of the United Nations Convention on the Law of the Sea as of 5 April 1995

1. Chronological list of ratifications, accessions and successions to the United Nations Convention on the Law of the Sea and their regional groups<sup>1/</sup>

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 Others
21	16 July 1985	Mali	African
22	30 July 1985	Iraq	Asian
23	6 September 1985	Guinea	African

<sup>1/</sup> 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) <sup>2/</sup>	Asian
48	9 August 1991	Marshall Islands <sup>2/</sup>	Asian
49	16 September 1991	Seychelles	African
50	8 October 1991	Djibouti	African

<sup>2/</sup> 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	St. Kitts and Nevis	Latin America/Caribbean
55	24 February 1993	Zimbabwe	African
56	20 May 1993	Malta	Western European and Others
57	1 October 1993	St. 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 <sup>2/</sup>	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 <sup>2/</sup>	Eastern European
66	5 October 1994	Australia	Western European and Others
67	14 October 1994	Germany <sup>2/</sup>	Western European and Others
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 Others
73	15 February 1995	Cook Islands	Asia
74	5 April 1995	Croatia <sup>2/</sup>	Eastern European

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

<sup>2/</sup> Succession.

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

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

TOTAL NUMBER OF STATES PARTIES: 74, as at 5 April 1995

### 3. ITALY

#### Declaration made upon ratification <sup>1/</sup>

Upon depositing its instrument of ratification Italy recalls that, as a State member of the European Community, it has transferred competence to the Community with respect to certain matters governed by the Convention. A detailed declaration on the nature and extension of the competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention.

Italy wishes also to reconfirm the following declarations made when it signed the Convention:

- "According to the Convention, the coastal State does not enjoy residual rights in the exclusive economic zone. In particular, the rights and jurisdiction of the coastal State in such zone do not include the right to obtain notification of military exercises or manoeuvres or to authorize them. Moreover, the rights of the coastal States to build and to authorize the construction, operation and the use of installations and structures in the exclusive economic zone and on the continental shelf, is limited only to the categories of such installations and structures as listed in article 60 of the Convention.

- "None of the provisions of the Convention, which corresponds on this matter to customary international law, can be regarded as entitling the coastal State to make innocent passage of particular categories of foreign ships dependent on prior consent or notification."

"Italy has the honour to declare, under paragraph 1(a) of article 298 of the Convention, that it does not accept any of the procedures provided for in section 2 of Part XV with respect to disputes concerning the interpretation of articles 15, 74 and 83 relating to sea boundary delimitations as well as those involving historic bays or titles.

"In any case, the present declarations should not be interpreted as entailing acceptance or rejection by Italy of declarations concerning matters other than those considered in it, made by other States upon signature or ratification."

Italy reserves its right to make further declarations relating to the Convention and to the Agreement whose instrument of ratification is hereby deposited.

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<sup>1/</sup> Communicated by the Permanent Mission of Italy to the United Nations in a note verbal dated 12 January 1995.

#### 4. GERMANY

##### Statements and declaration made upon accession<sup>1/</sup>

[Original: German]

##### Statements

- I. The Federal Republic of Germany recalls that, as a member of the European Community, it has transferred competence to the Community in respect of certain matters governed by the Convention. A detailed declaration on the nature and extent of the competence transferred to the European Community will be made in due course in accordance with the provisions of Annex IX of the Convention.
- II. For the Federal Republic of Germany the link between Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 28 July 1994 relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea as foreseen in article 2(1) of that Agreement is fundamental.
- III. In the absence of any other peaceful means, which would be given preference by the Government of the Federal Republic of Germany, that Government considers it useful to choose one of the following means for the settlement of disputes concerning the interpretation or application of the two Conventions, as it is free to do under 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 Federal Republic of Germany 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.

##### Declaration

With reference to similar declarations made by the Government of the Federal Republic of Germany during the Third United Nations Conference on the Law of the Sea, the Government of the Federal Republic of Germany, in the light of declarations already made or yet to be made by States upon signature, ratification or accession to the Convention on the Law of the Sea, declares as follows:

##### Territorial sea, archipelagic waters, straits

The provisions on the territorial sea represent in general a set of rules reconciling the legitimate desire of coastal States to protect their sovereignty and that of the international community to exercise the right of

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<sup>1/</sup> Translation supplied by the Government of the Federal Republic of Germany. Communicated by the Permanent Mission of the Federal Republic of Germany to the United Nations in notes verbales dated 14 October 1994.

passage. The right to extend the breadth of the territorial sea up to 12 nautical miles will significantly increase the importance of the right of innocent passage through the territorial sea for all ships including warships, merchant ships and fishing vessels; this is a fundamental right of the community of nations.

None of the provisions of the Convention, which in so far [as they] reflect existing international law, can be regarded as entitling the coastal State to make the innocent passage of any specific category of foreign ships dependent on prior consent or notification.

A prerequisite for the recognition of the coastal State's right to extend the territorial sea is the regime of transit passage through straits used for international navigation. Article 38 limits the right of transit passage only in cases where a route of similar convenience exists in respect of navigational and hydrographical characteristics, which include the economic aspect of shipping.

According to the provisions of the Convention, archipelagic sea lane passage is not dependent on the designation by the archipelagic States of specific sea lanes or air routes in so far as there are existing routes through the archipelago normally used for international navigation.

#### Exclusive economic zone

In the exclusive economic zone, which is a new concept of international law, coastal States will be granted precise resource-related rights and jurisdiction. All other States will continue to enjoy the high-seas freedoms of navigation and overflight and of all other internationally lawful uses of the sea. These uses will be exercised in a peaceful manner, and that is, in accordance with the principles embodied in the Charter of the United Nations.

The exercise of these rights can therefore not be construed as affecting the security of the coastal State or affecting its rights and obligations under international law. Accordingly, the notion of a 200-mile zone of general rights of sovereignty and jurisdiction of the coastal State cannot be sustained either in general international law or under the relevant provisions of the Convention.

In articles 56 and 58 a careful and delicate balance has been struck between the interests of the coastal State and the freedoms and rights of all other States. This balance includes the reference contained in article 58, paragraph 2, to articles 88 to 115 which apply to the exclusive economic zone in so far as they are not incompatible with Part V. Nothing in Part V is incompatible with article 89 which invalidates claims of sovereignty.

According to the Convention, the coastal State does not enjoy residual rights in the exclusive economic zone. In particular, the rights and jurisdiction of the coastal State in such zone do not include the rights to obtain notification of military exercises or manoeuvres or to authorize them.

Apart from artificial islands, the coastal State enjoys the right in the exclusive economic zone to authorize, construct, operate and use only those installations and structures which have economic purposes.

#### The high seas

As a geographically disadvantaged State but a State with important interests in the traditional uses of the seas, the Federal Republic of Germany remains committed to the established principle of the freedom of the high seas. This principle, which has governed all uses of the sea for centuries, has been affirmed and, in various fields, adapted to new requirements in the provisions of the Convention, which will therefore have to be interpreted to the furthest extent possible in accordance with that traditional principle.

### Land-locked States

As to the regulation of the freedom of transit enjoyed by land-locked States, transit through the territory of transit States must not interfere with the sovereignty of these States. In accordance with article 125, paragraph 3, the rights and facilities provided for in Part X in no way infringe upon the sovereignty and legitimate interests of transit States. The precise content of the freedom of transit has in each single case to be agreed upon by the transit State and the land-locked State concerned. In the absence of such agreement concerning the terms and modalities for exercising the right of access, the access of persons and goods to transit through the territory of the Federal Republic of Germany is only regulated by national law, in particular with regard to means and ways of transport and the use of traffic infrastructure.

### Marine scientific research

Although the traditional freedom of research suffered a considerable erosion by the Convention, this freedom will remain in force for States, international organizations and private entities in some maritime areas, e.g., the seabed beyond the continental shelf and the high seas. However, the exclusive economic zone and the continental shelf, which are of particular interest to marine scientific research, will be subject to a consent regime, a basic element of which is the obligation of the coastal State under article 246, paragraph 3, to grant its consent in normal circumstances. In this regard, promotion and creation of favourable conditions for scientific research, as postulated in the Convention, are general principles governing the application and interpretation of all relevant provisions of the Convention.

The marine scientific research regime on the continental shelf beyond 200 nautical miles denies the coastal State the discretion to withhold consent under article 246, paragraph 5(a), outside areas it has publicly designated in accordance with the prerequisites stipulated in paragraph 6. Relating to the obligation, to disclose information about exploitation or exploratory operations in the process of designation is taken into account in article 246, paragraph 6, which explicitly excluded details from the information to be provided.

## 5. CROATIA

### Statement made upon succession <sup>1/</sup>

In accordance with article 310 of the Convention, the Republic of Croatia, makes the following statement:

"The Republic of Croatia considers that, in accordance with article 53 of the Vienna Convention on the Law of Treaties of 29 May 1969, there is no peremptory norm of general international law, which would forbid a coastal State to request by its laws and regulations foreign warships to notify their intention of innocent passage through its territorial waters, and to limit the number of warships allowed to exercise the right of innocent passage at the same time (articles 17 - 32 of the Convention)".

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<sup>1/</sup> Communicated by the Permanent Mission of Croatia to the United Nations in a note verbale dated 4 April 1995.

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. Table presenting the States of the Convention and of the Agreement as of 5 April 1995

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>4/</sup>
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	-/Co-sponsor			
Argentina *		Yes/Co-sponsor	29 July 1994 ++	16 November 1994	
Armenia		Yes/-		16 November 1994	



State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Australia *	5 October 1994	Yes/Co-sponsor	29 July 1994 +	16 November 1994	5 October 1994
Austria *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
Azerbaijan		-/-			
Bahamas *	29 July 1983	Yes/Co-sponsor	29 July 1994 #	16 November 1994	
Bahrain *	30 May 1985	Yes/-		16 November 1994	
Bangladesh *		Yes/-		16 November 1994	
Barbados *	12 October 1993	-/-	15 November 1994 #	16 November 1994	
Belarus *		Yes/-		16 November 1994	
Belgium *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
Belize *	13 August 1983	Yes/-		16 November 1994	21 October 1994 <sup>5/</sup>

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>2/</sup>
Benin *		Yes/Co-sponsor		16 November 1994	
Bhutan *		Yes/-		16 November 1994	
Bolivia *		Yes/-		16 November 1994	
Bosnia and Herzegovina	12 January 1994 <sup>3/</sup>	-/-			
Botswana *	2 May 1990	Yes/Co-sponsor		16 November 1994	
Brazil *	22 December 1988	Yes/Co-sponsor	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	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>4/</sup>
Cambodia *		Yes/-		16 November 1994	
Cameroon *	19 November 1985	Yes/Co-sponsor		No	
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/Co-sponsor		16 November 1994	
China *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
Colombia *		Abst./-			
Comoros *	21 June 1994	-/-			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>3/</sup> / succession <sup>5/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification, accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Congo *		Yes/-		16 November 1994	
Cook Islands *	15 February 1995			15 February 1995	15 February 1995 <sup>4/</sup>
Costa Rica *	21 September 1992	-/-			
Côte d'Ivoire *	26 March 1984	Yes/-	25 November 1994 #	16 November 1994	
Croatia	5 April 1995 <sup>5/</sup>	-/-		5 April 1995	5 April 1995 <sup>6/</sup> <sup>4/</sup>
Cuba *	15 August 1984	Yes/-		16 November 1994	
Cyprus *	12 December 1988	Yes/-	1 November 1994 #	No	
Czech Republic *		Yes/-	16 November 1994 +	16 November 1994	
Democratic People's Republic of Korea *		-/-			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>4/</sup> / succession <sup>5/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Denmark *		Yes/Co-sponsor	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	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>2/</sup>
Ethiopia *		Yes/-		16 November 1994	
European Community *			29 July 1994 +	16 November 1994	
Fiji *	10 December 1982	Yes/Co-sponsor	29 July 1994 #	16 November 1994	
Finland *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
France *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
Gabon *		Yes/-	4 April 1995 ++	16 November 1994	
Gambia *	22 May 1984	-/-			
Georgia		-/-			
Germany	14 October 1994 <sup>2/</sup>	Yes/Co-sponsor	29 July 1994 +	16 November 1994	14 October 1994
Ghana *	7 June 1983	Yes/-		16 November 1994	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>3/</sup> / succession <sup>4/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Greece *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
Grenada *	25 April 1991	Yes/Co-sponsor	14 November 1994 #	16 November 1994	
Guatemala *		-/-			
Guinea *	6 September 1985	-/-	26 August 1994 #	16 November 1994	
Guinea-Bissau *	25 August 1986	-/Co-sponsor			
Guyana *	16 November 1993	Yes/Co-sponsor		16 November 1994	
Haiti *		-/-			
<i>Holy See</i> <sup>2/</sup>					
Honduras *	5 October 1993	Yes/-		16 November 1994	
Hungary *		Yes/-		16 November 1994	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>2/</sup>
Iceland *	21 June 1985	Yes/Co-sponsor	29 July 1994 #	16 November 1994	
India *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
Indonesia *	3 February 1986	Yes/Co-sponsor	29 July 1994 #	16 November 1994	
Iran (Islamic Republic of) *		Yes/-		No	
Iraq *	30 July 1985	Yes/-		16 November 1994	
Ireland *		Yes/Co-sponsor	29 July 1994 +	No	
Israel		-/-			
Italy *	13 January 1995	Yes/Co-sponsor	29 July 1994 +	16 November 1994	13 January 1995
Jamaica *	21 March 1983	Yes/Co-sponsor	29 July 1994 #	16 November 1994	
Japan *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	



State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>3/</sup> / succession <sup>4/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Jordan		Yes/-		No	
Kazakhstan		-/-			
Kenya <sup>4</sup>	2 March 1989	Yes/Co-sponsor		16 November 1994	29 July 1994 <sup>5/</sup>
<i>Kiribati</i> <sup>5/</sup>					
Kuwait *	2 May 1986	Yes/-		16 November 1994	
Kyrgyzstan		-/-			
Lao People's Democratic Republic *		Yes/-	27 October 1994 + +	16 November 1994	
Latvia		-/-			
Lebanon *	5 January 1995	-/-		5 January 1995	5 January 1995 <sup>5/</sup>
Lesotho *		-/-			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>2/</sup>
Liberia *		-/-			
Libyan Arab Jamahiriya *		Yes/-		16 November 1994	
Liechtenstein *		Yes/-		16 November 1994	
Lithuania		-/-			
Luxembourg *		Yes/Co-sponsor	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	-/-			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>a/</sup> / succession <sup>s/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>a/</sup> definitive signature; <sup>s/</sup> participation <sup>p/</sup>
Malta *	20 May 1993	Yes/Co-sponsor	29 July 1994 #	16 November 1994	
Marshall Islands	9 August 1991 <sup>a/</sup>	Yes/Co-sponsor		16 November 1994	
Mauritania *		-/-	2 August 1994 +	16 November 1994	
Mauritius *	4 November 1994	Yes/-		16 November 1994	4 November 1994 <sup>p/</sup> <sup>s/</sup>
Mexico *	18 March 1983	Yes/-		No	
Micronesia (Fed. States of)	29 April 1991 <sup>a/</sup>	Yes/Co-sponsor	10 August 1994 +	16 November 1994	
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	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>4/</sup>
Myanmar *		Yes/Co-sponsor		16 November 1994	
Namibia *	18 April 1983	Yes/Co-sponsor	29 July 1994 #	16 November 1994	
<i>Nauru</i> * <sup>5/</sup>					
Nepal *		Yes/-		16 November 1994	
Netherlands *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
New Zealand *		Yes/Co-sponsor	29 July 1994 ++	16 November 1994	
Nicaragua *		Abst./-			
Niger *		-/-			
Nigeria *	14 August 1986	Yes/-	25 October 1994 <sup>6/</sup>	16 November 1994	
<i>Niue</i> *					

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Norway *		Yes/Co-sponsor		16 November 1994	
Oman *	17 August 1989	Yes/-		16 November 1994	
Pakistan *		Yes/-	10 August 1994 + +	16 November 1994	
Palau *					
Panama *		Abst./-			
Papua New Guinea *		Yes/Co-sponsor		16 November 1994	
Paraguay *	26 September 1986	Yes/-	29 July 1994 #	16 November 1994	
Peru		Abst./-			
Philippines *	8 May 1984	Yes/-	15 November 1994 +	16 November 1994	
Poland *		Yes/-	29 July 1994 +	23 February 1995	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Portugal *		Yes/Co-sponsor	29 July 1994 +	No	
Qatar *		Yes/-		16 November 1994	
Republic of Korea *		Yes/Co-sponsor	7 November 1994 ++	16 November 1994	
Republic of Moldova		Yes/-		16 November 1994	
Romania *		Yes/-		No	
Russian Federation *		Abst./-		11 January 1995 <sup>7/</sup>	
Rwanda *		-/-			
Saint Kitts and Nevis *	7 January 1993	-/-			
Saint Lucia *	27 March 1985	-/-			
Saint Vincent and the Grenadines *	1 October 1993	-/-			

		Agreement relating to the implementation of Part XI of the Convention			
State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Samoa *		Yes/Co-sponsor		16 November 1994	
San Marino		-/-			
Sao Tome and Principe *	3 November 1987	-/-			
Saudi Arabia *		Yes/-		No	
Senegal *	25 October 1984	Yes/Co-sponsor	9 August 1994 +	16 November 1994	
Seychelles *	16 September 1991	Yes/Co-sponsor	29 July 1994 +	16 November 1994	15 December 1994
Sierra Leone *	12 December 1994	-/-		12 December 1994	12 December 1994 <sup>4/ 5/</sup>
Singapore *	17 November 1994	Yes/Co-sponsor		16 November 1994	17 November 1994 <sup>4/ 5/</sup>
Slovakia *		Yes/-	14 November 1994 + +	16 November 1994	
Slovenia		Yes/-	19 January 1995 +	No	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>a/</sup> / succession <sup>b/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>a/</sup> definitive signature; <sup>b/</sup> participation <sup>c/</sup>
Solomon Islands *		-/Co-sponsor		8 February 1995 <sup>1/</sup>	
Somalia *	24 July 1989	-/-			
South Africa *		Yes/-	3 October 1994 ++	16 November 1994	
Spain *		Yes/Co-sponsor	29 July 1994 +	No	
Sri Lanka *	19 July 1994	Yes/Co-sponsor	29 July 1994 <sup>6/</sup>	16 November 1994	
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/Co-sponsor	29 July 1994 +	No	
Switzerland * <sup>5/</sup>			26 October 1994 +	16 November 1994	



State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
Syrian Arab Republic		-/-			
Tajikistan		-/-			
Thailand *		Abst./-			
The former Yugoslav Republic of Macedonia	19 August 1994 <sup>5/</sup>	-/-		16 November 1994	19 August 1994 <sup>6/</sup> <sup>5/</sup>
Togo *	16 April 1985	Yes/-	3 August 1994 #	16 November 1994	
Tonga <sup>5/</sup>					
Trinidad and Tobago *	25 April 1986	Yes/Co-sponsor	10 October 1994 #	16 November 1994	
Tunisia *	24 April 1985	Yes/-		16 November 1994	
Turkey		-/-			
Turkmenistan		-/-			

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>4/</sup> / succession <sup>5/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>3/</sup> as of:	Ratification; accession; <sup>4/</sup> definitive signature; <sup>5/</sup> participation <sup>6/</sup>
<i>Tuvalu</i> * <sup>5/</sup>					
Uganda *	9 November 1990	Yes/-	9 August 1994 #	16 November 1994	
Ukraine *		Yes/-	28 February 1995 ++	16 November 1994	
United Arab Emirates *		Yes/-		16 November 1994	
United Kingdom:		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
United Republic of Tanzania *	30 September 1985	Yes/Co-sponsor	7 October 1994 +	16 November 1994	
United States of America		Yes/Co-sponsor	29 July 1994 +	16 November 1994	
Uruguay *	10 December 1992	Yes/Co-sponsor	29 July 1994 +	No	
Uzbekistan		-/-			
Vanuatu *		Yes/Co-sponsor	29 July 1994 +	16 November 1994	

State or entity <sup>1/</sup>	United Nations Convention on the Law of the Sea Date of ratification / accession <sup>2/</sup> / succession <sup>3/</sup>	Resolution 48/263 Vote/Co-sponsorship	Agreement relating to the implementation of Part XI of the Convention		
			Signature <sup>2/</sup>	Provisional application <sup>2/</sup> as of:	Ratification; accession; <sup>2/</sup> definitive signature; <sup>3/</sup> participation <sup>2/</sup>
Venezuela		Abst./-			
Viet Nam *	25 July 1994	Yes/-		16 November 1994	
Yemen *	21 July 1987	-/-			
Yugoslavia *	5 May 1986	-/-			
Zaire *	17 February 1989	-/-			
Zambia *	7 March 1983	-/-	13 October 1994 #	16 November 1994	
Zimbabwe *	24 February 1993	Yes/-	28 October 1994 #	16 November 1994	

TOTALS:

74

121/0/7

75 ("+" 37)  
("++" 17)  
("#" 19)

119

13

NOTES

- 1/ \* States or entities which have signed the United Nations Convention on the Law of the Sea.
- 2/ + States or entities which have signed the Agreement with the indication "subject to ratification (formal confirmation)".  
++ States or entities which are not yet parties to the Convention and are considered as having signed the Agreement subject to ratification.  
# State which has deposited before the date of the adoption of the Agreement an instrument of ratification, accession or succession to the Convention and which therefore shall be considered to have established its consent to be bound by the Agreement 12 months after the date of its adoption, unless it notifies the depositary in writing before that date that it is not availing itself of this simplified procedure set out in article 5 of the Agreement.
- 3/ "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 article 7, paragraph 1(a) or (b), respectively, 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/ State which has signed the Agreement and selected the application of the simplified procedure set out in article 5 of the Agreement.
- 7/ By notification in accordance with article 7, paragraph 1(c), of the Agreement.

2. Communication by Venezuela <sup>1/</sup>

[Original: Spanish]

The Permanent Mission of Venezuela wishes to refer to article 7 of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, adopted by the General Assembly in its resolution 48/263.

With regard to General Assembly resolution 48/263, adopted on 28 July 1994, which provides for the provisional application of Part XI of the Convention, that arrangement is not applicable to Venezuela because Venezuela is not a party to the United Nations Convention on the Law of the Sea since it did not sign it and, therefore, did not ratify it either. This also explains Venezuela's abstention in the vote held when resolution 48/263 was submitted for consideration by the General Assembly.

As a consequence of the foregoing, Venezuela is not bound by the United Nations Convention on the Law of the Sea or by General Assembly resolution 48/263, nor can its rights or position be affected in any way, directly or indirectly, by those instruments.

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<sup>1/</sup> Transmitted by the Permanent Mission of Venezuela to the United Nations in a note verbale dated 14 November 1994.

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

A. Recent national legislation received from Governments

1. ALGERIA

[Original: French]

Legislative Decree No. 94-13 of 17 Dhu'lhijjah 1414, corresponding to 28 May 1994,  
establishing the general rules relating to fisheries, 22 June 1994 <sup>1/</sup>

The President of the State,

On the report of the Minister of Agriculture,

In view of the Constitution, particularly articles 12, 115 and 117 thereof,

In view of the platform establishing a national consensus regarding the transitional period, in particular articles 5 and 42 thereof,

In view of Order No. 66-155 of 8 June 1966, establishing the penal procedure code, as amended and supplemented,

In view of Order No. 73-12 of 3 April 1973 establishing the national coastguard service,

In view of Order No. 75-58 of 26 September 1975, as amended and supplemented, establishing the civil code,

In view of Order No. 75-59 of 26 September 1975, as amended and supplemented, establishing the commercial code,

In view of Order No. 76-80 of 23 October 1976 establishing the maritime code,

In view of Order No. 76-84 of 23 October 1976 establishing general fisheries regulations,

*In view of Act No. 83-05 of 5 February 1983 concerning protection of the environment.*

In view of Act No. 83-17 of 16 July 1983 establishing the water code,

Promulgates the following legislative decree:

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<sup>1/</sup> Communicated by the Permanent Mission of Algeria to the United Nations in a note verbale dated 17 August 1994.

## TITLE I

### GENERAL PROVISIONS

#### Article 1

The purpose of the present legislative decree is to implement a national fisheries policy designed to:

- Protect and preserve marine and freshwater fisheries resources through rational exploitation with the aid of appropriate means;
- Institute a system for monitoring the impact of fisheries;
- Extend national sovereignty to the resources located beyond the territorial waters by instituting a reserved fishing zone;
- Promote and develop inland fishing and specific fisheries.

### CHAPTER I

#### General principles

#### Article 2

The assessment, protection and preservation of marine and freshwater fishery resources are in the general interest.

They therefore call for rational and balanced exploitation in a context of harmonious development of fishing activity.

#### Article 3

Within the meaning of the present legislative decree:

- "Sea fishing" means any action aimed at the breeding, catching or taking of animals or plants whose normal or most frequent habitat is sea water;
- "Inland fishing" means any action aimed at the breeding, catching or taking of animals or plants whose normal or most frequent habitat is fresh or brackish water;
- "Commercial fishing" means any fishing for profit;
- "Scientific fishing" means any fishing for purposes of study, research or experiment;
- "Exploratory fishing" means any fishing designed to yield knowledge of a resource, a zone, a technique or a type of fishing gear prior to commercial fishing and not exceeding six months in duration;
- "Recreational fishing" means any fishing for purposes of sport or leisure and not in pursuit of profit;

- "Authority responsible for fisheries" means the fisheries administration;
- "Waters under national jurisdiction" means internal waters, territorial waters and the reserved fishing zone.

## CHAPTER II

### Implementing organs

#### Article 4

For purposes of the application of the present legislative decree, the Minister responsible for fisheries shall establish implementing organs specially designed to this end.

He shall involve the other agencies concerned in order to ensure better coverage of fishing activities.

## CHAPTER III

### Sea fishing zones

#### Article 5

Sea fishing takes place in three zones:

- A zone for coastal fishing;
- A zone for offshore fishing;
- A zone for high-seas fishing.

Fishing vessels with a tonnage of 120 tons or more and using towed fishing gear may engage in commercial fishing only beyond the limits of the national territorial waters as defined by the legislation in force.

The modalities for the application of the present article shall be determined by decree.

#### Article 6

A reserved fishing zone located beyond and adjacent to the national territorial waters is hereby established.

The breadth of the zone measured from the baseline shall be 32 nautical miles between the western maritime border and Ras Ténès and 52 nautical miles between Ras Ténès and the eastern maritime border.



TITLE II

CONDUCT OF FISHING

CHAPTER I

Conditions for the conduct of fishing

Article 7

Any purchase, sale, import or transfer of ownership of fishing vessels by individuals or bodies corporate shall be subject to approval by the Fisheries Administration.

Article 8

Any construction, conversion or modification, in whole or in part, of the structure of a fishing vessel shall be subject to approval by the competent authorities in conformity with the legislation in force.

Article 9

The conduct of fishing in waters under national jurisdiction shall be subject to authorization by the Minister in charge of fisheries.

Article 10

The provisions of the present Legislative Decree shall apply to all persons engaging in fishing in the waters under national jurisdiction.

These provisions shall also apply to any individual or body corporate engaging in fishing beyond the waters under national jurisdiction and using for the purpose vessels registered in Algeria.

Article 11

Foreign vessels may not fish in the waters under national jurisdiction.

Nevertheless, in derogation from the provisions of the preceding paragraph, the Minister responsible for fisheries may temporarily authorize foreign vessels to conduct scientific fishing operations in the waters under national jurisdiction.

He may also authorize foreign vessels, on payment of fishing fees, to engage in commercial fishing exclusively for highly migratory species in the waters under national jurisdiction.

The conditions for the issuance of permits to fish for highly migratory species in the waters under national jurisdiction, as well as the list of the species concerned and maximum catch quotas, shall be established by regulations.

Article 12

The provisions of article 11 above shall not affect the right to freedom of movement accorded to foreign fishing vessels navigating or anchoring for good reason in the waters under national jurisdiction, on condition that such vessels comply with the rules laid down by the legislation in force and by the provisions of the present legislative decree and the texts adopted for its application.

Such vessels shall, in particular, clear their decks of all fishing equipment or stow the equipment in such a way that it cannot be used.

Article 13

Fishing, by whatsoever procedure, may be limited or prohibited for a specified time or within a specified area whenever its limitation or prohibition is recognized as necessary in order to preserve the reproduction and development of species.

The modalities and conditions for the conduct of fishing shall be defined by regulations.

Article 14

The list of gear whose importation, manufacture, possession and sale is prohibited shall be defined by regulations.

However, the list of certain gear whose use is subject to special authorization shall be defined by regulations.

CHAPTER II

Fishing gear and fishery establishments

Article 15

Only gear the use of which and the rules for the use of which are provided for by the present legislative decree and the texts adopted for its application may be authorized for use in fishing.

Article 16

All fishing gear, whatever its name, form, purpose and dimensions, shall be classified in the following five categories:

1. Nets;
2. Lines and hooks;
3. Traps;
4. Wound-inflicting fishing gear;
5. Harvesting, collecting and gathering gear.

Article 17

All installations in the national domain fed by seawater, fresh water or brackish water with a view to the catching, raising and farming of marine or freshwater animals and plants shall be deemed to be fishery establishments.

Article 18

The use of the public freshwater or maritime domain for purposes of setting up establishments as defined in article 17 above shall give rise in all cases to concessions in accordance with the legislation in force.

Article 19

The various types of fishery establishments, the terms for their setting-up and the rules for the operation shall be defined by regulations.

CHAPTER III

Persons authorized to engage in fishing

Article 20

Only persons entered in the Seaman's Register may sail on board commercial fishing vessels in possession of a muster-roll specifying that they are equipped to engage in commercial fishing.

Article 21

The conduct of scientific fishing shall be reserved to institutions and agencies holding a special permit issued by the Minister responsible for fisheries after consulting the ministry responsible for scientific research.

Vessels participating in scientific fishing operations must in addition to the ship's papers be in possession of a muster-roll specifying that they are equipped for the purpose.

Conditions may be attached to the scientific fishing permit.

The terms and modalities for the issuance of scientific fishing permits shall be defined by regulations.

Article 22

Persons wishing to engage in recreational fishing shall obtain a fishing permit issued by the territorially competent wali.

A fee shall in all cases be charged for the issuance of this permit.

Article 23

Individuals or bodies corporate of Algerian nationality domiciled in Algeria may own fishing vessels without limitation as to tonnage.

Authorization to practise the profession of owner of a fishing vessel shall in all cases be subject to payment of a fee varying in amount as a function of the tonnage of the vessel or vessels operated and of the type of fishing engaged in.

Article 24

The exercise of all professional, industrial or commercial activities associated with fishing shall be defined by regulations.

Article 25

Health and hygiene measures relating to the conservation, storage, processing, handling, transport, transshipping, unloading, display and sale and purchase of the different products derived from fishing shall be defined by regulations.

TITLE III

POLICING OF FISHERIES

CHAPTER I

Inquiry into and establishment of violations

Article 26

Officers of the criminal investigation department, commanders of naval vessels and agents of the national coastguard service shall be empowered to inquire into and establish violations of the provisions of the present legislative decree.

Article 27

The administration responsible for fisheries may at any time call on the services of agents of the national coastguard service to inquire into and establish violations in respect of fishing.

Article 28

The agents mentioned in article 26 above shall be empowered to inspect, at any time, vessels, small craft, fishery establishments, warehouses and other premises, as well as the means of transport used for fishery products.

Article 29

The homes of retailers and manufacturers of fishing equipment may be searched for prohibited gear in the context of the legislation in force.

Article 30

Agents reporting an offence are authorized to call on the police force to trace and establish violations of the legislation regarding fisheries, as well as to seize prohibited nets, gear and equipment and products fished in violation of the present legislative decree.

Article 31

The establishment of a violation must be followed by the preparation of a report in which the reporting agent shall give a precise account of the facts he has identified and the statements he has received, as well as the seizures of prohibited fishery products and fishing gear which he has ordered.

Reports shall be signed by the reporting agent(s) and by the perpetrator(s) of the violation. They shall be deemed to be authentic unless proven otherwise. They shall not be subject to confirmation.

Reports shall be transmitted to the competent jurisdiction. A copy must be transmitted to the fisheries administration.

#### Article 32

Seizures of prohibited fishery products and fishing gear may be carried out:

- In the fishing areas, if the agent is able to board the vessel with which the violation was committed;
- Upon the arrival of the vessel in port, if the agent is able to determine without boarding the vessel that a violation has occurred;
- Wherever the products and gear are stored.

#### Article 33

Seized fishery products shall be handed over immediately to the fisheries administration, which must, in cooperation with the Department of State Property and in the presence of the reporting agent, sell them at local market prices.

The proceeds of such sales shall be deposited with the Department of State Property pending the outcome of judicial proceedings.

If the jurisdiction orders confiscation, the proceeds of the sale shall remain State property. Otherwise, they shall be handed over to the owner of the products seized, subject to the legislation in force.

Where sale is impossible for a reason identified by the fisheries administration, the fishery products shall be delivered by it free of charge to the nearest hospital, charity or school.

A report on the delivery of such products shall be drawn up by the fisheries administration and transmitted to the competent jurisdiction.

#### Article 34

Seized gear shall be transported and stored in a secure place by the reporting agent.

If he is unable to do so, he shall temporarily appoint the owner of the vessel with which the violation was committed as custodian of the seized gear and shall, as soon as possible, take the measures required to ensure its transport by the most appropriate means.

The competent jurisdiction shall be informed of the amount of any costs occasioned by such transport.

In ordering the confiscation of prohibited gear, this jurisdiction shall assign the costs of transport and destruction to the offender.

#### Article 35

If the competent jurisdiction orders the destruction of prohibited gear which has been seized, such destruction shall take place, at the expense of the offender, at the decision of the fisheries administration and under its surveillance.

Where the competent fisheries authority does not have at its disposal the means with which to carry out destruction immediately, it may call upon specialized bodies for this purpose.

#### Article 36

The public prosecutor's office may refrain from instituting judicial proceedings upon payment by the offender of an on-the-spot fine within thirty (30) days following the establishment of a violation.

Payment of the on-the-spot fine, the amount of which shall not be less than the minimum fine entailed by the violation committed, shall be made to the Department of the Treasury.

Payment implies acknowledgement of the violation and takes the place of an initial judgement in respect of a determination of recidivism.

#### Article 37

Recidivism shall be deemed to have occurred where, during the two years prior to the establishment of a violation, at least one judgement has been rendered against the offender for violation of the provisions of this legislative decree.

Recidivism shall be extended to the owner, the operator and the captain of the vessel.

#### Article 38

The procedure involving an on-the-spot fine shall not apply:

- If a judicial investigation has been opened;
- If the violation identified renders the perpetrator liable to a sentence of imprisonment;
- If the maximum amount of the fine is greater than 50.000 dinars.

#### Article 39

The amount of the on-the-spot fine shall be set at one half of the sum obtained by adding the maximum and minimum amounts of the fine provided for.

#### Article 40

Prosecution of the violation shall be instituted before the competent jurisdiction in which the violation was established or the jurisdiction of the port in which the vessel was commissioned.

#### Article 41

The competent fisheries administration may, if it deems necessary, bring criminal indemnification proceedings and request, on behalf of the State, compensation for the damage suffered by the authority as a result of the violation committed.

Article 42

The penalties provided for in this legislative decree shall be imposed on:

- The captain, where the violation is committed with a vessel. However, the operator shall be solely liable for civil damages;
- The person who manages the fishery establishment or operation, where the violations involve:
  - The marketing, processing or transport of fishery products;
  - The creation or operation of a fishery establishment;
  - The health measures stipulated in respect of the breeding, transport, processing and marketing of fishery products.

This same person shall also be solely liable for civil damages:

- In other cases, the perpetrators themselves, without prejudice to the imposition of civil damages.

Article 43

The public right of action shall be time-barred within the periods provided for by the legislation in force.

TITLE IV

REGULATORY MEASURES AND VIOLATIONS RELATING TO FISHING

CHAPTER I

Regulatory measures

Article 44

All vessels fishing in the waters under national jurisdiction must carry an inscription of their name, their home port and their registration number in accordance with the legislation in force.

Article 45

The letters and numbers assigned to each fishing vessel shall, whenever possible, be inscribed on the boats, the anchors, the main floats of each net and, in general, on all fishing tackle belonging to the said vessel.

Such inscriptions must be of sufficient size to be easily recognized.

The owners of nets and other fishing tackle may mark them with any signs which they may deem necessary.

Article 46

It shall be forbidden to obliterate, render unrecognizable, cover or conceal by any means whatsoever the names, letters and numbers inscribed on the vessels and their equipment.

Article 47

The crews of vessels arriving in a fishing area must not, under any circumstances, set up or cast their nets or other gear in such a way as to cause mutual harm or to disturb those who have already begun their fishing operations.

Article 48

All fishermen shall be prohibited from berthing, anchoring or mooring their vessels, for any reason whatsoever, at the nets, buoys or other fishing apparatus of another fisherman.

Article 49

It shall be forbidden to hook, raise or inspect nets and fishing gear belonging to others.

Article 50

It shall be forbidden to moor or anchor nets or any other fishing gear in an area where other fishermen are already established; order of arrival shall be the deciding factor.

Article 51

Fishermen using drag-nets must keep their vessels at a distance of five hundred (500) metres from all other fishing gear.

A distance of five hundred (500) metres must be maintained between nets of different types.

Article 52

Where nets belonging to different fishermen become entangled, it shall be forbidden to cut them without the mutual consent of the parties concerned.

CHAPTER II

Violations

Article 53

The use for fishing purposes of dynamite or any other explosive shall be prohibited.

Article 54

The possession, transport, transshipment, storage, processing, handling, display and sale of fishery products caught with the help either of dynamite or any other explosive or of substances or bait liable to weaken, intoxicate or destroy marine or freshwater animals shall be prohibited.

Article 55

The possession of gear intended for fishing with lights aboard any vessel lying in coastal waters, as well as fishing with lights, shall be prohibited.



Article 56

The use for fishing of prohibited substances or bait, even those not liable to weaken, stun, intoxicate or kill marine and freshwater animals and plants, shall be prohibited.

Article 57

The import, manufacture, possession and sale of prohibited nets, gear or tackle shall be prohibited.

Article 58

The use for fishing purposes of the gear referred to in article 57 above shall be prohibited.

Article 59

The catching, possession, transport, processing and sale of species or fishery products which have not attained the prescribed commercial weight, or which it is expressly forbidden to catch, shall be prohibited.

Species caught in violation of the first paragraph of this article must, under all circumstances, be immediately returned to their natural environment.

The fact that such fishery products are returned shall not clear the offender of the violation committed or shield him from the public right of action.

However, in the case of non-selective fishing gear, a proportion of immature fishery products or species which it is forbidden to catch can be tolerated. This proportion may not exceed 20 per cent of the total catch.

Article 60

The use for fishing of procedures or methods other than those provided for in this legislative decree shall be prohibited.

Article 61

All shipowners, ship operators, captains and other crew members shall be required to allow authorized agents empowered to carry out inspections and monitoring to operate on board their vessels.

TITLE V

PENALTIES AND SENTENCES

Article 62

Anyone who purchases, sells, imports or transfers ownership of fishing vessels without prior authorization from the fisheries administration shall be sentenced to a fine in the amount of 100,000 to 200,000 dinars, and the transaction shall be voided.

Article 63

Anyone who builds, converts or modifies a fishing vessel, in whole or in part, without prior authorization from the competent authorities shall be sentenced to a fine in the amount of 100,000 to 200,000 dinars.

Article 64

Anyone who engages in fishing for commercial or scientific purposes without the requisite authorizations or licences shall be sentenced to a term of imprisonment of one (1) to three (3) years, a fine in the amount of 20,000 to 40,000 dinars, or only one of these two penalties.

Article 65

Anyone who engages in recreational fishing without the requisite fishing licence shall be sentenced to a fine in the amount of 1,000 to 2,000 dinars.

Article 66

Anyone who engages in commercial fishing in waters under national jurisdiction with a vessel which does not carry an inscription of its name, its home port and its registration number, shall be sentenced to a fine in the amount of 20,000 to 50,000 dinars.

Article 67

Anyone who deliberately obliterates, renders unrecognizable, covers or conceals, by any means whatsoever, the names, letters and numbers inscribed on his vessel or its equipment shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 20,000 to 50,000 dinars, or only one of these two penalties.

Article 68

Anyone who arrives in a fishing area and sets up or casts his nets or other gear in such a manner as to harm or disturb those who have begun their fishing operations shall be sentenced to a fine in the amount of 20,000 to 80,000 dinars.

Article 69

Anyone who berths, anchors or moors his vessel, for any reason whatsoever, at nets, buoys or other fishing apparatus belonging to others shall be sentenced to a fine in the amount of 20,000 to 40,000 dinars.

Article 70

Anyone in the fishing areas who hooks, raises or inspects nets and fishing gear belonging to others shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 20,000 to 50,000 dinars, or to only one of these two penalties.

Article 71

Anyone in the fishing areas who uses drag-nets and does not keep his vessel at a distance of at least 500 metres from all other fishing gear shall be sentenced to a fine in the amount of 10,000 to 20,000 dinars.

Anyone in the fishing areas who does not maintain a distance of at least 300 metres between his nets and the fishing gear of others shall be sentenced to a fine in the amount of 2,000 to 5,000 dinars.

Article 72

Anyone who cuts nets which have become entangled without the mutual consent of the parties concerned shall be sentenced to a fine in the amount of 10,000 to 20,000 dinars.

However, all liability for the damage shall cease if the impossibility of separating the nets by other means can be demonstrated.

The attribution of blame shall be determined by the order of arrival in the fishing areas.

Article 73

Anyone who uses for fishing purposes dynamite or any other explosive shall be sentenced to a term of imprisonment of two (2) to five (5) years, a fine in the amount of 50,000 to 200,000 dinars, or only one of these two penalties.

Article 74

Anyone who possesses, transports, transships, stores, handles, unloads, displays or sells fishery products caught with the help either of dynamite or any other explosive or of substances or bait liable to weaken, intoxicate or destroy marine and freshwater animals and plants shall be sentenced to a term of imprisonment of two (2) to five (5) years and a fine in the amount of 50,000 to 200,000 dinars, or to only one of these penalties.

Article 75

Anyone who possesses gear intended for fishing with lights aboard any vessel lying in coastal waters, or who engages in fishing with lights, shall be sentenced to a fine in the amount of 50,000 to 100,000 dinars.

Article 76

Anyone who uses for fishing purposes prohibited substances or bait, even those not liable to weaken, stun, intoxicate or kill marine and freshwater animals and plants, shall be sentenced to a fine in the amount of 5,000 to 10,000 dinars.

Article 77

Anyone who imports, manufactures, possesses or sells prohibited nets, gear or tackle shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 200,000 to 500,000 dinars, or to only one of these two penalties.

Article 78

Anyone who uses for fishing purposes the gear referred to in article 57 above shall be sentenced to a fine in the amount of 20,000 to 50,000 dinars.

Prohibited gear shall, in all cases, be confiscated, without prejudice to the imposition of the penalties provided for.

Article 79

Anyone who fishes for species which have not attained the prescribed commercial weight or which it is expressly forbidden to catch shall be sentenced to a fine in the amount of 10,000 to 50,000 dinars.

The possession, transport, processing and sale of fishery products which have not attained the prescribed commercial weight or which it is expressly forbidden to catch shall be subject to the same penalty.

Species caught in violation of the first paragraph of this article must, in all cases, be immediately returned to their natural environment.

The fact that such fishery products are returned shall not clear the offender of the violation committed or shield him from the public right of action.

Products of prohibited fishing shall be confiscated without prejudice to the institution of judicial proceedings pursuant to the penal provisions of this legislative decree.

#### Article 80

Anyone who uses for fishing purposes procedures or methods other than those provided for in the legislation in force shall be sentenced to a fine in the amount of 20,000 to 50,000 dinars.

#### Article 81

Anyone who fishes in prohibited areas shall be sentenced to a term of imprisonment of six (6) months to one (1) year and a fine in the amount of 100,000 to 200,000 dinars, or to only one of these two penalties.

#### Article 82

Anyone who fishes using prohibited gear or procedures during the periods when the fishing areas are closed shall be sentenced to a term of imprisonment of three (3) to six (6) months and a fine in the amount of 50,000 to 100,000 dinars, or to only one of these two penalties.

The gear used shall, in all cases, be confiscated.

#### Article 83

Anyone setting up or operating a fishery establishment without the requisite prior authorization shall be sentenced to a fine in the amount of 50,000 to 100,000 dinars.

#### Article 84

Anyone who refuses to allow authorized agents to carry out inspections and monitoring of fishing vessels shall be sentenced to a fine in the amount of 20,000 to 40,000 dinars.

#### Article 85

In the event of recidivism, the penalties provided for in articles 64 to 84 above shall entail the temporary revocation of the offender's professional maritime certificate for a period not exceeding one (1) year.

TITLE VI

VIOLATIONS AND PENALTIES RELATING TO FOREIGN FISHING VESSELS

Article 86

All foreign-flagged fishing vessels operating without authorization in waters under national jurisdiction shall be boarded, taken to an Algerian port and detained by the reporting agent until such time as a final decision is rendered by the competent jurisdiction.

Article 87

Where pursuit is initiated within waters under national jurisdiction, boarding may take place beyond such waters.

The right of pursuit ends once the vessel being pursued enters waters under the jurisdiction of its country or of a third State.

Article 88

If the foreign vessel refuses to halt or attempts to flee, the Algerian fisheries surveillance vessel shall fire a blank warning shot.

If the foreign fishing vessel refuses to comply, and in case of absolute necessity, live ammunition shall be used, with every precaution being taken to avoid injuring the persons on board.

Article 89

At the time when the reporting agent identifies a violation, he must order the seizure of the fishery products and fishing gear found on board. The report must mention such seizures.

Article 90

The procedures provided for in articles 36, 38 and 39 of this legislative decree shall not apply to acts committed by foreign fishing vessels.

The report shall be transmitted to the public prosecutor's office, which shall refer it to the competent jurisdiction, in accordance with the in flagrante delicto procedure provided for in the code of penal procedure.

The competent jurisdiction may not pronounce judgement until it has heard the criminal indemnification proceedings.

Article 91

The captain of the foreign-flagged fishing vessel and the navigator, if any, shall, if found guilty of fishing in any manner whatsoever in waters under national jurisdiction without the requisite prior authorization of the Minister of Fisheries, be sentenced to a fine in the amount of 300,000 to 2,000,000 dinars.

The competent jurisdiction shall order the confiscation of gear found on board or prohibited, and of fishery products, as well as the destruction of prohibited tackle, as the case may be.

Article 92

In the event of recidivism, the person(s) found guilty of fishing in waters under national jurisdiction shall be sentenced to a fine in the amount of 600,000 to 4,000,000 dinars and the confiscation of the vessel with which the violation was committed.

Article 93

The foreign fishing vessel shall be detained pending payment of the court costs, fines and civil damages.

Upon receipt of the documents attesting to the payment of these sums, the competent jurisdiction shall issue an order lifting the seizure of the vessel.

The order lifting the seizure of the vessel may also be issued by the competent jurisdiction upon receipt of a written pledge by the consular authorities of the country concerned to pay the sums owed.

Article 94

In the event of non-payment within three (3) months following the date on which sentence becomes final, the vessel shall be sold by the Department of State Property, in accordance with the legislation in force.

Article 95

The provisions of Decree No. 76-84 of 23 October 1976, referred to above, shall be abrogated.

Article 96

This legislative decree shall be published in the Official Gazette of the People's Democratic Republic of Algeria.

DONE at Algiers on 17 Dhu'lhijjah 1414 (28 May 1994).

## 2. AUSTRALIA

### Seas and Submerged Lands Act 1973, as amended by the Maritime Legislation Amendment Act 1994<sup>1/</sup>

An Act relating to Sovereignty in respect of certain Waters of the Sea and in respect of the Airspace over, and the Seabed and Subsoil beneath, those Waters and to Sovereign Rights in respect of the Continental Shelf and the Exclusive Economic Zone and to certain rights of control in respect of the Contiguous Zone.

#### **Preamble**

WHEREAS a belt of sea adjacent to the coast of Australia, known as the territorial sea, and the airspace over the territorial sea and the bed and subsoil of the territorial sea, are within the sovereignty of Australia.

AND WHEREAS Australia as a coastal State has:

- (a) Sovereign rights in respect of the waters, the seabed and the subsoil that constitute the exclusive economic zone of Australia for the purposes of:
  - (i) Exploring the zone; and
  - (ii) Exploiting, conserving and managing the natural resources of the zone; and
- (b) Sovereign rights with regard to other activities for the economic exploitation and exploration of the exclusive economic zone of Australia, such as the production of energy from water, currents and winds; and
- (c) Jurisdiction in accordance with international law in relation to:
  - (i) The establishment and use of artificial islands, installations and structures in the exclusive economic zone; and
  - (ii) Marine scientific research in the exclusive economic zone; and
  - (iii) The protection and preservation of the marine environment in the exclusive economic zone; and
- (d) Other rights and duties in relation to the exclusive economic zone provided for in the United Nations Convention on the Law of the Sea:"

AND WHEREAS Australia as a coastal State has sovereign rights in respect of the continental shelf (that is to say, the seabed and subsoil of certain submarine areas adjacent to its coast but outside the area of the territorial sea) for the purpose of exploring it and exploiting its natural resources:

AND WHEREAS Australia as a coastal State has the right under international law to exercise control within a contiguous zone to:

- (a) Prevent infringements of customs, fiscal, immigration or sanitary laws within Australia or the territorial sea of Australia;

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<sup>1/</sup> Consolidation prepared by the Secretariat.

(b) To punish infringements of those laws:

BE IT THEREFORE ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:

### **Interpretation**

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

"Australia" includes the Territories to which this Act extends;

"continental shelf" has the same meaning as paragraph 1 of article 76 of the Convention;

"contiguous zone" has the same meaning as in article 33 of the Convention;

"exclusive economic zone" has the same meaning as in articles 55 and 57 of the Convention;

"territorial sea" has the same meaning as in articles 3 and 4 of the Convention;

"the Convention" means the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982 (Parts II, V and VI of which are set out in the Schedule).

(2) In this Act, including section 6, a reference to the territorial sea of Australia is a reference to that territorial sea so far as it extends from time to time.

(2A) In this Act, including section 10A, a reference to the exclusive economic zone of Australia is a reference to that zone so far as it extends from time to time.

(3) In this Act, including section 11, a reference to the continental shelf of Australia is a reference to that continental shelf so far as it extends from time to time.

(3A) In this Act, including section 13A, a reference to the contiguous zone of Australia is a reference to that zone so far as it extends from time to time.

(4) Where a Proclamation is in force under section 7, the territorial sea of Australia shall, for all purposes of this Act, be taken to extend to the limits declared by that Proclamation.

(4A) If a Proclamation is in force under section 10B, the exclusive economic zone of Australia is taken, for all purposes of this Act, to extend to the limits declared by that Proclamation.

(5) Where a Proclamation is in force under section 12, the continental shelf of Australia shall, for all purposes of this Act, be taken to extend to the limits declared by that proclamation.

(5A) If a Proclamation is in force under section 13B, the contiguous zone of Australia is taken, for all purposes of this Act, to extend to the limits declared by that Proclamation.

### **Extension to Territories**

4. This Act extends to all the Territories.



PART II  
SOVEREIGNTY, SOVEREIGN RIGHTS AND RIGHTS OF CONTROL

Division 1  
The territorial sea

Interpretation

5. In this Division, "the territorial sea" means the territorial sea of Australia.

Sovereignty in respect of territorial sea

6. It is by this Act declared and enacted that the sovereignty in respect of the territorial sea, and in respect of the airspace over it and in respect of its bed and subsoil, is vested in and exercisable by the Crown in right of the Commonwealth.

Limits of territorial sea

7. (1) The Governor-General may, from time to time, by Proclamation, declare, not inconsistently with Section I of Part II of the Convention, the limits of the whole or of any part of the territorial sea.

(2) For the purposes of such a Proclamation, the Governor-General may, in particular, determine either or both of the following:

- (a) The breadth of the territorial sea;
- (b) The baseline from which the breadth of the territorial sea, or of any part of the territorial sea, is to be measured.

Declaration of historic bays and historic waters

8. Where the Governor-General is satisfied:

- (a) That a bay is an historic bay, he may, by Proclamation, declare that bay to be an historic bay and shall, by the same or another Proclamation, define the seaward limits of that bay; or
- (b) That waters are historic waters, he may, by Proclamation, declare those waters to be historic waters and shall, by the same or another Proclamation, define the limits of those waters.

Charts of limits of territorial sea

9. (1) The Minister may cause to be prepared and issued such charts as he thinks fit showing any matter relating to the limits of the territorial sea.

(2) In particular, the Minister may cause to be prepared and issued large-scale charts showing the low-water line along the coast and may cause to be shown on such a chart any other matter referred to in subsection (1).

(3) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of a chart prepared under this section is prima facie evidence of any matter shown on the chart relating to the limits of the territorial sea.

Sovereignty in respect of internal waters

10. It is by this Act declared and enacted that the sovereignty in respect of the internal waters of Australia (that is to say, any waters of the sea on the landward side of the baseline of the territorial sea) so far as they extend from time to time, and in respect of the airspace over those waters and in respect of the seabed and subsoil beneath those waters, is vested in and exercisable by the Crown in right of the Commonwealth.

Division 1A

The exclusive economic zone

Sovereign rights in respect of exclusive economic zone

10A. It is declared and enacted that the rights and jurisdiction of Australia in its exclusive economic zone are vested in and exercisable by the Crown in right of the Commonwealth.

Limits of exclusive economic zone

10B. The Governor-General may, from time to time, by Proclamation declare, not inconsistently with:

- (a) Article 55 or 57 of the Convention; or
- (b) Any relevant international agreement to which Australia is a party;

the limits of the whole or of any part of the exclusive economic zone of Australia.

Charts of limits of exclusive economic zone

10C. (1) The Minister may cause to be prepared such charts as he or she thinks fit showing any matter relating to the limits of the exclusive economic zone of Australia.

(2) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of such a chart is prima facie evidence of any matter shown on the chart relating to the limits of the exclusive economic zone of Australia.

Division 2

The continental shelf

Sovereign rights in respect of continental shelf

11. It is by this Act declared and enacted that the sovereign rights of Australia as a coastal State in respect of the continental shelf of Australia, for the purpose of exploring it and exploiting its natural resources, are vested in and exercisable by the Crown in right of the Commonwealth.

Limits of continental shelf

12. The Governor-General may, from time to time by Proclamation, declare, not inconsistently with article 76 of the Convention or any relevant international agreement to which Australia is a party, the limits of the whole or any part of the continental shelf of Australia.

Charts of limits of continental shelf

13. (1) The Minister may cause to be prepared and issued such charts as he thinks fit showing any matter relating to the limits of the continental shelf of Australia.

(2) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of a chart prepared under this section is prima facie evidence of any matter shown on the chart relating to the limits of the continental shelf of Australia.

Division 2A

The contiguous zone

Rights of control in respect of contiguous zone

13A. It is declared and enacted that Australia has a contiguous zone.

Note: The rights of control that Australia, as a coastal State, has in respect of the contiguous zone of Australia are exercisable in accordance with applicable Commonwealth, State and Territory laws.

Limits of contiguous zone

13B. The Governor-General may, from time to time, by Proclamation declare, not inconsistently with:

- (a) Section 4 of Part II of the Convention; or
- (b) Any relevant international agreement to which Australia is a party;

the limits of the whole or of any part of the contiguous zone of Australia.

Charts of limits of contiguous zone

13C. (1) The Minister may cause to be prepared such charts as he or she thinks fit showing any matter relating to the limits of the contiguous zone of Australia.

(2) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of such a chart is prima facie evidence of any matter shown on the chart relating to the limits of the contiguous zone of Australia.

Division 3

Savings

Part II does not affect waters, etc., within State limits

14. Nothing in this Part affects sovereignty or sovereign rights in respect of any waters of the sea that are waters of or within any bay, gulf, estuary, river, creek, inlet, port or harbour and:

- (a) Were, on 1 January 1901, within the limits of a State; and
- (b) Remain within the limits of the State,

or in respect of the airspace over, or in respect of the seabed or subsoil beneath any such waters.

Certain property not vested in Commonwealth

15. Nothing in this Part shall be taken to vest in the Crown in right of the Commonwealth any wharf, jetty, pier, breakwater, building, platform, pipeline, lighthouse, beacon, navigational aid, buoy, cable or other structure or works.

Saving of other laws

16. (1) The preceding provisions of this Part:
- (a) Do not limit or exclude the operation of any law of the Commonwealth or of a Territory other than the Northern Territory, in force at the date of commencement of this Act or coming into force after that date; and
  - (b) Do not limit or exclude the operation of any law of a State or of the Northern Territory in force at the date of commencement of this Act or coming into force after that date, except in so far as the law is expressed to vest or make exercisable any sovereignty or sovereign rights otherwise than as provided by the preceding provisions of this Part.
- (2) A law of a State or of the Northern Territory shall not be taken to be within the words of exception in paragraph (b) of subsection (1):
- (a) By reason that the law makes provision with respect to, or touching or concerning, any seabed or subsoil that is declared by Division 1 to be within the sovereignty of the Crown in right of the Commonwealth, or the living or non-living resources of any such seabed or subsoil, if proprietary rights in respect of that seabed or subsoil have become vested in the Crown in right of the State or of the Northern Territory, as the case may be, by or under a law of the Commonwealth; or
  - (b) By reason that the law makes provision with respect to, or touching or concerning, any seabed or subsoil referred to in Division 1 or Division 2 but in respect of which paragraph (a) does not apply, or the living or non-living resources of any such seabed or subsoil, if the law is otherwise within powers with respect to particular matters that are conferred on the legislature of the State or of the Northern Territory, as the case may be, by the *Coastal Waters (State Powers) Act 1980* or the *Coastal Waters (Northern Territory Powers) Act 1980*.

### 3. GERMANY

(a) Proclamation of 11 November 1994 by the Government of the Federal Republic of Germany concerning the extension of the breadth of the German territorial sea <sup>1/</sup>

The Proclamation concerning the extension of the breadth of the German territorial sea, adopted by the Government of the Federal Republic of Germany on 19 October 1994, is hereby announced:

#### I.

The outer limit of the territorial sea of the Federal Republic of Germany shall be determined in accordance with the specifications given hereunder. All earlier announcements concerning the delimitation of the German territorial sea shall thereby cease to apply.

(1) North Sea

The outer limit of the territorial sea of the Federal Republic of Germany in the North Sea shall be a line running at a distance of 12 nautical miles, measured from the low-water line and the straight baselines, as appropriate.

The existing deep-water anchorage shall remain part of the territorial sea, its limits being a line connecting the following points:

(1)	54°08'11"N	7°24'36"E;
(2)	54°08'19"N	7°26'59"E;
(3)	54°01'39"N	7°33'04"E;
(4)	54°00'27"N	7°24'36"E.

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German territorial sea in the North Sea is indicated in the Maritime Boundaries Chart 2920). <sup>2/</sup>

At an appropriate later time, the Government of the Federal Republic of Germany will decide on the lateral delimitation of the territorial sea of the Federal Republic of Germany towards, respectively, the Kingdom of the Netherlands and the Kingdom of Denmark. The regulation in Section 1 of Annex B of the Treaty of 8 April 1960 between the Federal Republic of Germany and the Kingdom of the Netherlands governing cooperation in the area of the Ems Estuary ("the Ems-Dollart Treaty") (Federal Law Gazette 1963 II, p. 602) shall remain unaffected.

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<sup>1/</sup> Communicated by the Permanent Mission of Germany to the United Nations in a note verbale dated 31 January 1995.

<sup>2/</sup> See chart 2920 in reduced form for illustrative purposes on p. 60.

(2) Baltic Sea

The outer limit of the territorial sea of the Federal Republic of Germany in the Baltic Sea shall be a line connecting the following points:

- |      |            |             |
|------|------------|-------------|
| (1)  | 54°44'17"N | 10°10'14"E; |
| (2)  | 54°41'46"N | 10°13'12"E; |
| (3)  | 54°39'27"N | 10°15'34"E; |
| (4)  | 54°36'45"N | 10°18'36"E; |
| (5)  | 54°35'35"N | 10°20'24"E; |
| (6)  | 54°34'08"N | 10°25'47"E; |
| (7)  | 54°32'51"N | 10°30'24"E; |
| (8)  | 54°31'14"N | 10°35'36"E; |
| (9)  | 54°30'39"N | 10°39'12"E; |
| (10) | 54°30'51"N | 10°54'21"E; |
| (11) | 54°32'50"N | 10°49'16"E; |
| (12) | 54°33'21"N | 10°58'51"E; |
| (13) | 54°34'10"N | 11°00'07"E; |
| (14) | 54°34'37"N | 11°08'33"E; |
| (15) | 54°33'31"N | 11°12'23"E; |
| (16) | 54°31'46"N | 11°18'44"E; |
| (17) | 54°30'46"N | 11°19'23"E; |
| (18) | 54°30'18"N | 11°21'03"E; |
| (19) | 54°28'26"N | 11°24'13"E; |
| (20) | 54°26'23"N | 11°28'34"E; |
| (21) | 54°24'27"N | 11°32'22"E; |
| (22) | 54°22'25"N | 11°35'23"E; |
| (23) | 54°19'53"N | 11°38'44"E; |
| (24) | 54°20'01"N | 11°57'10"E; |
| (25) | 54°23'07"N | 12°09'13"E; |
| (26) | 54°23'07"N | 12°09'59"E; |
| (27) | 54°27'04"N | 12°15'35"E; |
| (28) | 54°30'42"N | 12°18'05"E; |
| (29) | 54°31'05"N | 12°17'36"E; |
| (30) | 54°34'40"N | 12°19'24"E; |
| (31) | 54°44'38"N | 12°45'00"E. |

From point (31), the limit shall continue running at a distance of 12 nautical miles, measured from the low-water line and the straight baselines, as appropriate, until reaching point (32) as follows:

- |      |              |               |
|------|--------------|---------------|
| (32) | 54°26'30,3"N | 14°04'45,9"E. |
|------|--------------|---------------|

From this point, the outer limit shall be a line connecting the following points:

- |      |              |               |
|------|--------------|---------------|
| (33) | 54°16'14,8"N | 14°04'14,7"E; |
| (34) | 54°14'22,0"N | 14°10'08,9"E; |
| (35) | 54°07'36,4"N | 14°12'09,1"E; |
| (36) | 53°59'18,1"N | 14°14'35,9"E; |
| (37) | 53°55'42,1"N | 14°13'37,8"E. |

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German territorial sea in the Baltic Sea is indicated in the Maritime Boundaries Chart 2921). <sup>3/</sup>

At an appropriate later time, the Government of the Federal Republic of Germany will decide on the lateral delimitation of the territorial sea of the Federal Republic of Germany towards the Kingdom of Denmark.

The lateral delimitation of the territorial sea of the Federal Republic of Germany towards the Republic of Poland shall be as provided for in the Treaty of 14 November 1990 between the Federal Republic of Germany and the Republic of Poland concerning the confirmation of their mutual border (Federal Law Gazette 1991 II, p. 1328).

In some areas of the Baltic Sea, the breadth of the territorial sea as extended by virtue of the present Proclamation is less than the twelve nautical miles permitted under international law. This shall not be construed as meaning a renunciation of the Federal Republic of Germany's legal claim to the full breadth of the territorial sea.

The above coordinates are given on the proviso that they are subject to a more precise calculation by the Federal Ministry of Transport (if and where appropriate) using the latest methods. Any such calculation shall be announced through official channels, and shall be incorporated in the official Maritime Boundaries Charts.

## II.

The present Decision shall enter into force on 1 January 1995.

DONE at Bonn on this eleventh day of November 1994.

- (b) Proclamation of 25 November 1994 by the Federal Republic of Germany concerning the establishment of an exclusive economic zone of the Federal Republic of Germany in the North Sea and in the Baltic Sea

### I

The Federal Republic of Germany shall establish, as of 1 January 1995, an exclusive economic zone in the North Sea and in the Baltic Sea beyond the outer limit of its territorial sea.

### II

The outer limit of the exclusive economic zone of the Federal Republic of Germany in the North Sea shall be a line connecting the following points:

E <sub>0</sub>	53°43'30,8" N	6°20'49,7" E
E <sub>1</sub>	53°45'03,0" N	6°19'58,3" E
E <sub>2</sub>	53°48'52,9" N	6°15'51,3" E
E <sub>3</sub>	53°59'56,8" N	6°06'28,2" E
E <sub>4</sub>	54°11'12,0" N	6°00'00,0" E
E <sub>5</sub>	54°37'12,0" N	5°00'00,0" E

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<sup>3/</sup> See chart 2921 in reduced form for illustrative purposes on p. 61.

E <sub>6</sub>	55°00'00,0" N	5°00'00,0" E
E <sub>7</sub>	55°20'00,0" N	4°20'00,0" E
E <sub>8</sub>	55°45'54,0" N	3°22'13,0" E
D	55°50'06,0" N	3°24'00,0" E
S <sub>7</sub>	55°55'09,4" N	3°21'00,0" E
S <sub>6</sub>	55°46'21,8" N	4°15'00,0" E
S <sub>5</sub>	55°24'15,0" N	4°45'00,0" E
S <sub>4</sub>	55°15'00,0" N	5°09'00,0" E
S <sub>3</sub>	55°15'00,0" N	5°24'12,0" E
S <sub>2</sub>	55°30'40,3" N	5°45'00,0" E
S <sub>1</sub>	55°10'03,4" N	7°33'09,6" E
S <sub>0</sub>	55°05'59,4" N	8°02'44,4" E

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German exclusive economic zone in the North Sea shall be published in the Maritime Boundaries Charts 2920.

### III

The outer limit of the exclusive economic zone of the Federal Republic of Germany in the Baltic Sea shall be a line connecting the following points:

1.	54°45'24,0" N	10°13'06,0" E
2.	54°42'49,7" N	10°16'07,9" E
3.	54°40'29,6" N	10°18'29,9" E
4.	54°37'59,9" N	10°21'18,4" E
5.	54°37'15,4" N	10°22'27,6" E
6.	54°35'56,8" N	10°27'15,9" E
7.	54°34'37,0" N	10°31'58,5" E
8.	54°33'06,0" N	10°36'50,0" E
9.	54°32'39,8" N	10°39'37,3" E
10.	54°32'49,2" N	10°43'59,0" E
11.	54°34'52,3" N	10°48'02,1" E
12.	54°37'10,2" N	10°52'25,1" E
13.	54°38'14,6" N	10°54'15,3" E
14.	54°38'28,3" N	11°00'20,7" E
15.	54°38'16,3" N	11°04'30,0" E
16.	54°37'19,7" N	11°09'28,2" E
17.	54°36'33,0" N	11°12'30,9" E
18.	54°35'11,2" N	11°15'36,4" E
19.	54°34'11,6" N	11°19'17,7" E
20.	54°31'57,0" N	11°23'04,8" E
21.	54°29'53,1" N	11°26'36,6" E
22.	54°27'53,4" N	11°30'49,9" E
23.	54°25'47,7" N	11°34'55,1" E
24.	54°23'36,0" N	11°38'12,2" E
25.	54°21'56,7" N	11°40'20,7" E
26.	54°21'53,4" N	11°40'14,7" E
27.	54°22'00,5" N	11°56'25,6" E



28.	54°24'39,9" N	12°06'43,5" E
29.	54°41'15,9" N	12°26'35,7" E
30.	54°45'49,7" N	12°44'59,9" E
31.	54°50'01,7" N	12°56'02,4" E
32.	55°00'30,2" N	13°08'53,1" E
33.	55°00'37,9" N	13°09'26,8" E
34.	55°01'16,9" N	13°47'08,4" E
35.	54°57'53,9" N	13°59'15,3" E
36.	54°57'44,8" N	13°59'34,2" E
37.	54°48'45,0" N	14°10'22,0" E
38.	54°48'45,0" N	14°24'51,0" E
39.	54°39'30,0" N	14°24'51,0" E
40.	54°32'10,4" N	14°38'12,2" E
41.	54°31'57,7" N	14°37'42,0" E
42.	54°29'56,4" N	14°44'56,7" E
43.	54°22'56,5" N	14°35'55,7" E
44.	54°10'04,6" N	14°21'05,0" E
45.	54°07'35,0" N	14°14'18,9" E
46.	54°07'36,4" N	14°12'09,1" E.

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German exclusive economic zone in the Baltic Sea shall be published in the Maritime Boundaries Chart 2921.

#### IV

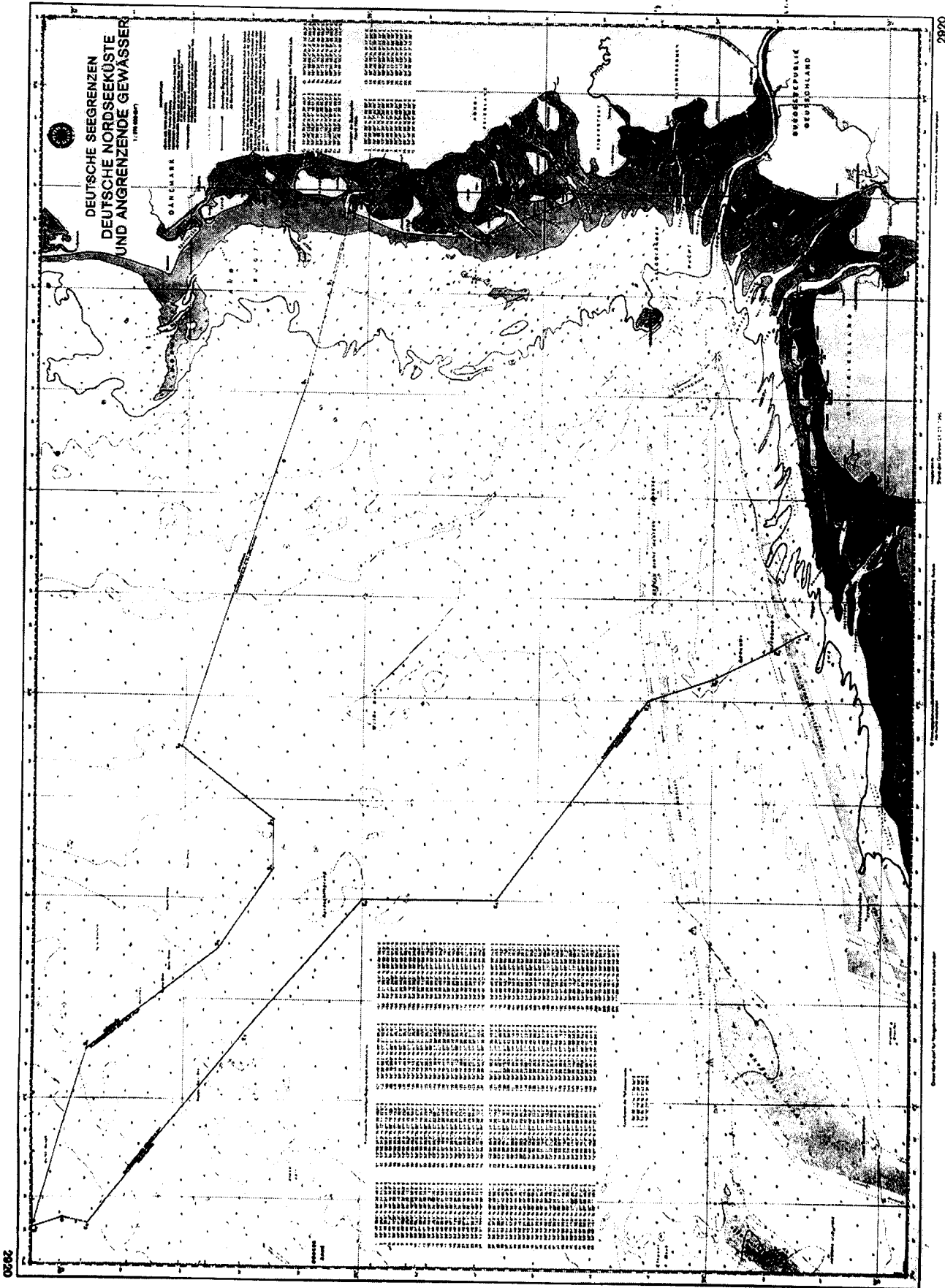
The lines connecting, respectively, points 25 and 26, 32 and 33, 35 and 36, as well as 40 and 41 have been drawn on the proviso that they are subject to pertinent agreements with the neighbouring States concerned in each case.

The Government of the Federal Republic of Germany will, at an appropriate later time and upon consultations, decide on the final positions of the points indicating the lateral delimitation of the exclusive economic zone of the Federal Republic of Germany towards the Kingdom of the Netherlands (point E<sub>0</sub> in the North Sea) and towards the Kingdom of Denmark (point S<sub>0</sub> in the North Sea and point 1 in the Baltic Sea), as well as on the delimitation of the exclusive economic zone landward of each of these three points.

The details of application of the provisions of article 5(2) of the Treaty concluded on 22 May 1989 between the German Democratic Republic and the Polish People's Republic on the delimitation of their respective maritime areas in the Bay of Pomerania shall be subject to settlement at an appropriate later time and upon consultations with the Republic of Poland.

The above coordinates are given on the proviso that they are subject to a more precise calculation by the Federal Ministry of Transport (if and where appropriate) using the latest methods. Any such calculation shall be announced through official channels, and shall be incorporated in the official Maritime Boundaries Charts.

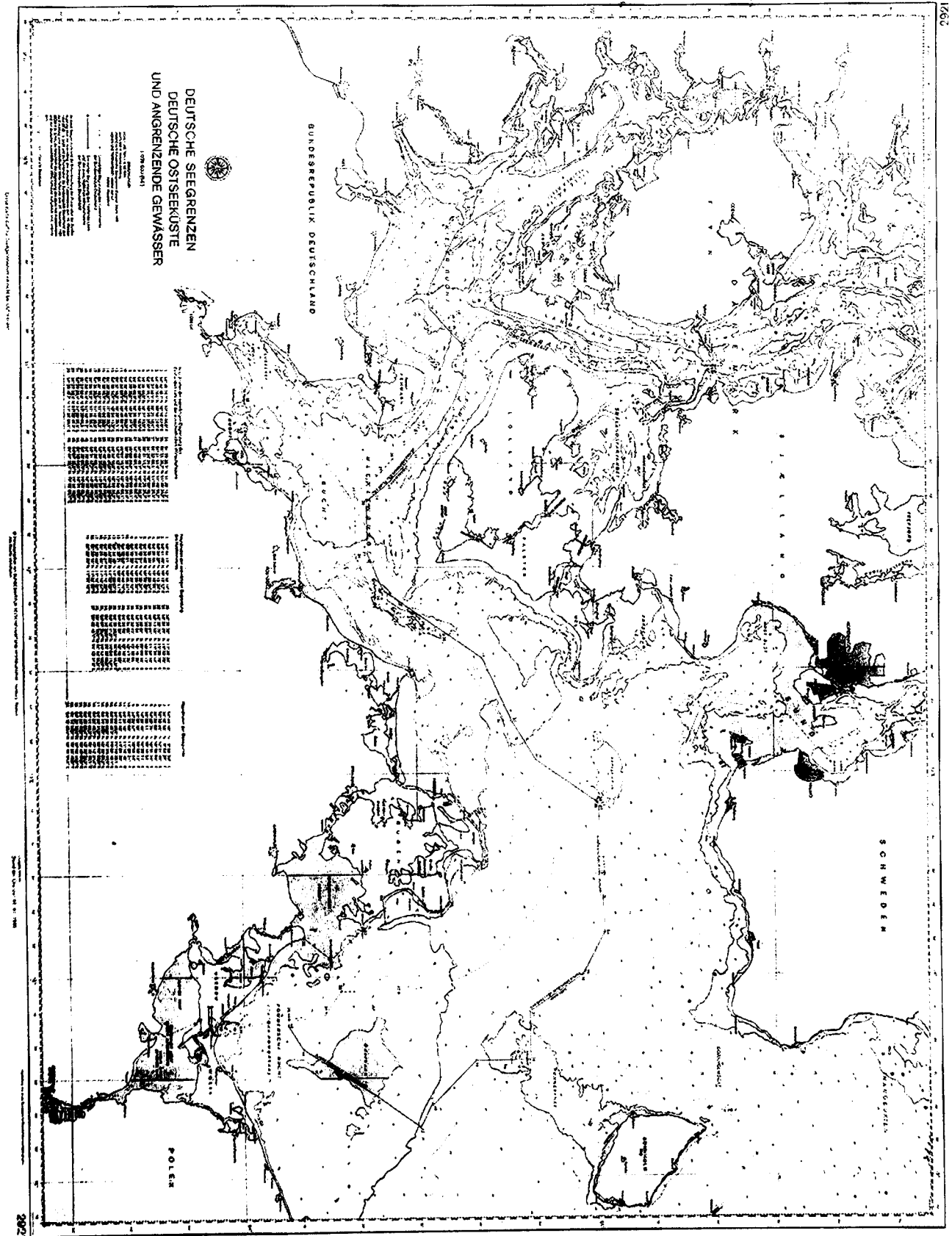
DONE at Berlin on this twenty-fifth day of November 1994.



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#### 4. TURKEY

Maritime Traffic Regulations for the Turkish Straits and the Marmara Region,  
entered into force on 1 July 1994 <sup>1/</sup>

PART I  
PURPOSE, SCOPE AND DEFINITIONS

Purpose and scope

Article 1

The purpose of these Regulations, which shall apply to all ships navigating in the Straits and the Sea of Marmara, is to regulate the maritime traffic scheme in order to ensure the safety of navigation, life and property and to protect the environment in the region.

Definitions

Article 2

For the purposes of these Regulations:

- (a) "Administration" means T.C. Basbakanlik Denizcilik Müstesarligi (Under-Secretariat for Maritime Affairs);
- (b) "The Straits and the Marmara region" means the maritime area comprising the Sea of Marmara, the Strait of Istanbul (the Bosphorus), the Strait of Canakkale (the Dardanelles) and the coastlines surrounding this area;
- (c) "The Straits" mean the area within the boundaries of the Strait of Istanbul and the Strait of Canakkale;
- (d) "Vessel" means any vehicle able to navigate at sea except craft under oars;
- (e) "Vessel in transit" means a vessel, the passage of which shall be innocent, continuous, expeditious and without delay. The passage through the Straits and the Marmara region shall be planned so as not to stop at any port, berth or any other place, and a notification to that effect shall have been made by the master of the vessel to the Turkish authorities before entering into the Straits;
- (f) "A vessel interrupting its transit passage" means a vessel the master or commander of which has notified during passage that the vessel has given up its transit passage;
- (g) "Vessel whose transit passage has been interrupted" means a vessel, which, due to maritime accidents such as collision and grounding, or for other reasons, is subject to investigations, legal proceedings and inquiries carried out by the Turkish administrative or legal authorities;
- (h) Nuclear-powered vessels or vessels carrying nuclear, noxious and dangerous goods and wastes mean:
1. Any nuclear-powered vessel or any vessel carrying nuclear, noxious and dangerous goods, except for military vessels;

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<sup>1/</sup> Communicated by the Permanent Mission of Turkey to the United Nations in a note verbale dated 29 June 1994.

2. Vessels carrying cargo classified by the International Maritime Organization as dangerous, (including petroleum and its derivatives) and vessels constructed or used for the carriage of substances qualified in the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 (MARPOL 73/78) and its annexes as pollutants and such vessels which have not effected the necessary operations to eradicate the dangers of such cargo;

3. Vessels carrying nuclear, dangerous and noxious wastes as defined in international conventions and domestic legislation;

(i) "Deep-draught vessel" means a vessel with a maximum draught of 10 metres or more;

(j) "Large vessel" means a vessel 150 metres or more in length;

(k) "Total towing length" means the distance between the fore of the towing vessel and the aft of towed vessel or the distance between the aft of the pushing vessel and the fore of the vessel being pushed when sailing at full speed ahead.

(l) "Northern entrance to the Strait of Istanbul" means the line joining Anadolu Lighthouse to Turkeli Lighthouse;

(m) "Southern entrance to the Strait of Istanbul" means the line joining Ahirkapi Lighthouse to Kadikoy Inciburnu breakwater Lighthouse;

(n) "Northern entrance to the Strait of Canakkale" means the longitude passing through Zincirbozan Lighthouse;

(o) "Southern entrance to the Strait of Canakkale" means the line joining the Lighthouse of Mehmetcik Cape to the Lighthouse of Kumkale;

(p) "Daytime" means the period between sunrise and sunset;

(q) "Nighttime" means the period between sunset and sunrise.

## PART II GENERAL PROVISIONS

### Boundaries Article 3

The boundaries of the traffic separation scheme which shall apply in the Straits and the Marmara region are delimited:

In the north, by the north border of the area joining the following points:

41° 16' N 028° 55' E

41° 21' N 028° 55' E

41° 21' N 029° 16' E

41° 14' N 029° 16' E

In the south, by the south border of the area joining the following points:

40° 05' N 026° 11' E  
40° 02' N 025° 55' E  
39° 50' N 025° 53' E  
39° 44' N 025° 55' E  
39° 44' N 026° 09' E

Traffic Separation Scheme

Article 4

A traffic separation scheme as described in the annex 1 is established in the Straits and the Marmara region.

Competence of the Administration

Article 5

All vessels proceeding in the Straits and the Marmara Region shall comply with the navigation rules laid down or to be laid down by the Administration to ensure the safety of life and property, provided such rules do not violate existing regulations, as well as with the warnings of the Administration.

Technical Specification of Vessels which transit through the Straits and the Notice to be given by these Vessels

Article 6

- A. All vessels that shall pass through the Strait of Istanbul and the Strait of Canakkale shall be seaworthy in accordance with international rules and the legislation of the State whose flag they fly.
- B. Before giving the Sailing Plan II referred to in article 8, masters of the vessels, except those of military vessels, shall establish the technical conformity of their vessel with the following conditions and make an entry to this effect in the log book.
- (a) Main and auxiliary machinery units shall be operational as usual and be ready to manoeuvre at any time;
  - (b) Emergency generators shall be readily operational at all times;
  - (c) Main and auxiliary steering gear, gyro-compass and radar shall be operational as usual;
  - (d) Navigation bridge R.P.M, steering-wheel and pitch indicators shall be operational and illuminated;
  - (e) Navigation lights and vessel's whistle shall be operational and the equipment of the navigation bridge shall be complete;
  - (f) All communication systems, particularly those between the navigating bridge and fore, aft, steering wheel and engine control room, and all alarm systems shall be operational;
  - (g) VHF radio-telephone equipment shall be fully operational;
  - (h) Projector and at least a pair of binoculars shall be kept ready for use day and night in the navigation bridge;

(i) Windlass and its running riggings shall be ready for use and both anchors will be prepared for lowering with crew standing by;

(j) There shall be an emergency fire wire at the fore and aft of vessels carrying dangerous cargo. A towing hawser and hauling lines shall be available at the fore and aft of vessels other than those carrying dangerous cargo;

(k) A vessel shall not be with trim by the stern so as to affect the ability to manoeuvre and steer, and no vessel shall enter into the Straits with trim by the head;

(l) As far as possible vessels shall be trimmed so that the propeller will be totally below water level and in cases of necessity the blade of the propeller which shall be above water level shall not exceed 5 per cent of the propeller's diameter;

(m) The vessel will be trimmed and loaded such that the fore of the vessel and the sea beyond shall be easily visible from the navigation bridge;

(n) Each vessel shall have these Regulations and an up-to-date version of the nautical charts of the Straits area;

(o) All crew employed on vessels shall be in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW-78).

Masters of the vessels which are not in conformity with the above-mentioned conditions shall notify the Traffic Control Centre. The Administration shall take such measures prescribed in paragraph 2 of article 10 for vessels which do not report in conformity with the conditions above.

Sailing Plan I  
Article 7

Masters, owners or agents of the vessels carrying dangerous cargo and which are 500 gross tons and more, 24 hours before entering the entrance of the Strait of Istanbul and the Strait of Canakkale, shall give Sailing Plan I (SP I) as determined by the Administration.

Sailing Plan I, to be given to the Traffic Control Centre, shall contain the following information:

- Name of the vessel;
- Flag of the vessel;
- Call sign;
- Tonnage;
- Port of departure;
- Port of arrival;
- Cargo;
- Whether a pilot is requested;
- Deficiencies of the vessel which affect navigation adversely;
- Other information;

Vessels carrying dangerous cargo and those 500 gross tons and greater which depart from ports in the Marmara region shall give Sailing Plan I 6 hours before departure.

Sailing Plan II

Article 8

Masters who have given Sailing Plan I and established that their vessel is in conformity with the conditions prescribed in article 6, shall give Sailing Plan II two hours before arriving at the entrance to the Strait, or at a distance of 20 NM from the entrance to the Strait, whichever comes first.

Sailing Plan II, which shall be given by VHF to the Traffic Control Centre, should contain the following information:

- Name of the vessel;
- Flag of the vessel;
- Call sign;
- Position of the vessel;
- Estimated arrival time to the entrance of the Strait;
- Whether a pilot is requested;
- Inabilities of the vessel affecting sailing adversely;
- Other information.

After giving Sailing Plan II vessels shall navigate taking into account information to be given by the Traffic Control Centre. The information regarding the traffic in the Straits as well as the fact that Sailing Plan II has been given should be recorded in the logbook.

Position report

Article 9

Vessels longer than 20 metres, when they are at a distance of 5 NM to the entrance of the Straits, shall give, by VHF, to the Traffic Control Centre situated on the approaching side, the position report as determined by the Administration and containing the necessary information for the identification of the vessel.

Notice to be given by a vessel which loses its technical ability before entering the Straits

Article 10

Vessels which for whatever reason lose their technical sufficiency or whose navigation equipment becomes inoperational before entering the Straits shall provide the pertinent information by means of telex, telephone, fax or VHF.

The relevant port authority will indicate, through the Traffic Control Centre, the place where the vessel should wait while repairs are carried out. If the breakdown of navigation equipment continues after repairs and survey, the passage of the vessel through the Straits shall be effected in a way determined by the Administration considering the safety of navigation.

The Traffic Control Centre and traffic control stations

Article 11

For the execution and control of the traffic separation scheme and for the operation of the reporting system, the Administration can set up a Traffic Control Centre and traffic control stations.



Pilotage sign  
Article 12

Vessels passing through the Straits and the Marmara region with a pilot shall hoist an (H) pennant during daytime.

Transit sign  
Article 13

Vessels transiting through the Straits and the Marmara region while under way or at anchor during daytime shall hoist a (T) pennant. They will display at night a green light visible over an arc of the horizon of 360 degrees.

A vessel interrupting its transit passage or whose transit passage has been interrupted shall not display the transit sign.

Conditions of anchorage for vessels in transit  
Article 14

Vessels transiting through the Straits and the Marmara region can stop for 48 hours to obtain necessary provisions in the locations indicated in article 27. In such cases they shall get permission from the Port Authority and will stay under the surveillance of the concerned authorities without taking free pratique.

During this stay the following activities are allowed:

- If there is a breakdown in the vessel: to bring experts, mechanics and workers to the vessel in order to inspect and to repair the breakdown;
- Visits by the vessel's Agent;
- Disembarking of the master or a crew member to purchase necessary supplies for the vessel;
- To disembark any ill crew;
- To employ new crew to replace any hospitalized crew.

Vessels in transit which shall stay more than 48 hours in port should anchor at the anchorage indicated, and take free pratique. Vessels interrupting a transit by anchoring shall be subject to all controls and procedures rendered necessary by reason of security, customs and other legislation.

PART III  
TRANSIT THROUGH THE STRAITS

Procedures for passage  
Article 15

Masters will ensure that no unauthorized personnel shall enter the navigating bridge, chart room and wings while navigating in the Straits, and that nothing will hinder the ability of the crew to command the vessel and to keep watch around the vessel.

Authorized personnel will remain on duty by the main engine whether or not the controls of the engines are in the main engine room.

While navigating in the Straits steering will be controlled manually; automatic pilot systems will not be used. The emergency steering gear will also be kept ready for immediate use with personnel on duty to use it.

Steady steering light

Article 16

Vessels, the distance between whose bridge and fore is 150 metres or more, and vessels, whose bridge is very close to the fore of the vessel, at nighttime shall carry at the fore of the vessel a blue or green steady steering light visible only from the bridge.

Speed

Article 17

The normal speed in the Straits is 10 NM/hr relative to land. This speed may be exceeded if steering way cannot be reached, by informing the traffic control stations and taking care to avoid collisions and creating waves harmful to the environment.

Overtaking

Article 18

Vessels navigating in the Straits shall not overtake vessels proceeding before them except due to necessity.

(a) Vessels passing through the Strait shall maintain a distance of at least 8 cable between each other.

(b) If for any reason a vessel is going to reduce speed while navigating in the Straits, she shall first inform the vessels proceeding behind it.

(c) A vessel navigating under its own power at low speed will stay to the most starboard side of its own traffic separation lane and will permit faster vessels to overtake it.

(d) When a vessel needs to overtake another in front of it, it shall first obtain a traffic report from the traffic control station, and if the situation is clear, shall inform the vessel to be overtaken. The overtaking shall if possible take place without course alterations.

(e) Overtaking will not take place between Vanikoy and Kanlica in the Strait of Istanbul, and between Cape Nara and Cape Kilitbahir in the Strait of Canakkale.

Accidents and breakdowns while under way

Article 19

Vessels whose transit passage through the Strait has been interrupted due to accidents, breakdowns or compulsory anchoring shall immediately inform the traffic control station and request recommendations and instructions. After measures are taken by the relevant Port Authority in regard to the safety of the vessel and the area, the vessel shall take a pilot and carry out the action required for the completion of the passage.

Vessel not under command

Article 20

The passage through the Straits of a "vessel not under command" or "a vessel restricted in its ability to manoeuvre", as defined in COLREG 72, depends on the special permission of the Administration.

If a vessel becomes "not under command" in the course of passage, the master of the vessel shall immediately inform the Traffic Control Station and follow the instructions given.

Towing operations  
Article 21

A vessel or any other object may only pass through the Straits when being towed by a suitable tugboat of sufficient power. A vessel may not pass in the tow of another vessel.

- (a) The length of the tow will be appropriately shortened before entering the Straits.
- (b) The Administration may take the necessary measures to ensure that vessels and their tow, which together exceed 150 metres, keep their course.
- (c) On vessels or objects being towed, extra hailing lines of sufficient strength and the necessary crew will be kept on board to immediately replace the towing hawser should it brake.
- (d) If possible the propeller and steering gear of a vessel being towed will be kept in operation.

Vessels leaving a port in the Straits  
Article 22

Before getting under way from ports, piers or anchorage positions in the Straits, vessels will inform the traffic control stations and receive any necessary information concerning the traffic flow.

Such vessels will wait for clear traffic before entering the traffic flow in the Straits.

Leaving the traffic separation scheme  
Article 23

Vessels which have to leave the traffic separation scheme to berth, moor to a buoy, drop anchor, turn back or due to breakdowns and other exceptional circumstances shall inform the traffic control station and any other vessels which may be in the vicinity.

Halting traffic due to compulsory circumstances  
Article 24

Maritime traffic in the Straits may be temporarily halted by the Administration due to construction work including underwater work, drilling, fire extinguishing, scientific and sports activities, salvage and rescue operations, prevention and eradication of maritime pollution, pursuing criminals, accidents and similar cases.

The halting and opening of traffic will be announced by the relevant port authority and traffic control stations to vessels and persons involved.

After the reopening of the Straits to traffic following a temporary closure, the order in which waiting vessels will enter the Straits will be determined by the traffic control stations and will be announced to the vessels.

Obligation to navigate within the lanes  
Article 25

Vessels must proceed within the designated traffic lanes. Vessels which cross the lanes may be fined according to article 11 of Law No. 618 on the Ports, as well as be brought to the attention of the International Maritime Organization and the flag State.

Deep-draught vessels  
Article 26

Deep-draught vessels navigating in the straits shall exhibit at night three lights in a vertical line visible over an arc of the horizon of 360 degrees, and in daytime a cylinder-shaped sign visible from all directions.

Other vessels in the Straits shall not inhibit the manoeuvres of deep draught vessels and shall provide sufficient space for navigation. At crossing and turning points in the traffic separation scheme, other vessels in the Straits, shall keep clear of the course of deep-draught vessels.

Anchorage locations  
Article 27

Anchorage locations for the traffic separation scheme are given below:

- (a) The Strait of Istanbul northern entrance anchorage locations are shown in annex 2. <sup>2/</sup>
- (b) The Strait of Istanbul southern entrance anchorage locations are show in annex 3. <sup>2/</sup>
- (c) The Strait of Canakkale northern entrance anchorage locations are shown in annex 4. <sup>2/</sup>
- (d) The anchorage location for Port Karanlik in the Strait of Canakkale is shown in annex 5. <sup>2/</sup> Vessels shall anchor in or leave these locations with a pilot.
- (e) The Strait of Canakkale southern entrance anchorage locations are shown in annex 6 <sup>2/</sup>. Anchoring vessels will ensure that they remain within the limits of the anchorage areas.

It is forbidden to anchor within 2.5 cables from the shore near all these anchorage locations.

Special regulations  
Article 28

The articles in this part are valid for both straits without prejudice to the special regulations concerning the Ports of Istanbul and Canakkale.

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<sup>2/</sup> Annexes not shown.

PART IV  
COMMON ARTICLES FOR THE STRAITS AND THE SEA OF MARMARA

Large vessels

Article 29

The owner or manager of large vessels which plan to pass through the Straits shall provide information to the Administration on the vessel and its cargo at the planning stage of the passage. The Administration, taking into consideration the morphological and physical structure of the Straits, the vessel's dimensions and manoeuvre capability, the safety of life, property and the environment, and maritime traffic conditions, shall inform the applicants of the outcome of its review.

Nuclear-powered vessels or vessels carrying nuclear,  
dangerous or noxious cargo or waste

Article 30

To navigate through the Straits and the Marmara region, nuclear-powered vessels or vessels carrying nuclear cargo or waste which intend to pass through the Straits and the Marmara region must obtain permission, in accordance with relevant regulations from the Under-Secretariat for Maritime Affairs at the planning stage of the passage. Vessels carrying dangerous or noxious waste must obtain permission from the Ministry for Environment at the planning stage of the passage.

Vessels carrying dangerous cargo and, nuclear-powered or nuclear cargo carrying vessels as well as vessels carrying nuclear, dangerous or noxious waste, whose passage requires special permission, must comply with the pertinent International Maritime Organization regulations and shall transport their cargo according to these regulations.

Such vessels will exhibit a (B) pennant in daytime and in nighttime, a red light visible over an arc of the horizon of 360 degrees.

Vessels which are required to take pilots

Article 31

Turkish vessels 150 metres or more in length passing through the Straits shall take a pilot for the safety of navigation, life, property and the environment.

Foreign vessels are advised for safety purposes to take a pilot.

The Administration may establish compulsory pilotage requirements in certain areas in the Straits and the Marmara region for vessels other than transiting vessels.

Irregular anchorage

Article 32

Vessels which while navigating in the traffic separation scheme anchor, berth at docks or quays or moor to buoys without providing notification and receiving permission shall be removed by pilots and tugboats provided by the relevant port authority. The expenses for such operations will be paid by the vessel's owner, manager or agent.

Vessels are not to anchor in the traffic separation scheme except for emergency situations. In case a vessel has to anchor due to an emergency, the traffic control station will be immediately notified. The Administration will then move the vessel by using pilots and tugboats to a safer location, to clear the traffic separation scheme. The expenses for such operations will be paid by the owner, manager or agent of the vessel.

Ban on environmental pollution  
Article 33

No refuse, landfill, bilge water, domestic and industrial waste, ecologically harmful or unsanitary material, oil and other pollutants can be dumped or discharged into the sea in the Straits and the Marmara region.

Vessels in the Straits and the Marmara region must take every measure not to create air pollution.

Ban on sailing vessels and vessels under oars  
Article 34

Proceeding under sail or oars, swimming or fishing in the traffic separation scheme is forbidden. Sports activities such as sailing, rowing and swimming are required to have permission.

Notification requirement and reporting  
Article 35

(a) The masters of vessels in the Straits and the Marmara region are required to notify any incidents such as illness, disease, injury or death to the traffic control stations for conveyance to the relevant authorities.

(b) Pilots, traffic control station personnel, masters and public officials who observe vessels not complying with regulations or navigating improperly will immediately report the incident to the concerned port authority and will present a written report within 24 hours. The relevant port authority will take the necessary action at once and commence the legal procedure concerning the vessel and her master.

(c) Pilots will inform the traffic control station of any maritime accidents which occur on the vessels they are piloting as well as of any situations detrimental to maritime safety which they may notice en route, and will submit a written report to the relevant port authority.

PART V  
REGULATIONS CONCERNING THE STRAIT OF ISTANBUL  
TRAFFIC SEPARATION SCHEME AREA BOUNDARIES

Article 36

The area of the Strait of Istanbul traffic separation scheme is delimited:

In the north by the coordinates:

41 16N, 028 55E    41 21N, 028 55E

41 21N, 029 16E    41 14N, 029 16E

And in the south by the coordinates:

By the line from the location two miles to the southern bearing of Cape Baba (Büyükçekmece), to the Yelkenkaya Lighthouse.

Call point report  
Article 37

Vessels longer than 20 metres in length entering the Straits of Istanbul will present a call point report via VHF. The contents and location of the report will be determined by the Administration.

Air draught  
Article 38

Vessels navigating in the traffic separation scheme in the Strait of Istanbul will pay all due attention to the navigational warning lights of the bridges over the Strait.

Vessels 58 metres or greater in height cannot pass the Strait of Istanbul.

Vessels with air draughts between 54 metres and 58 metres will be escorted by as many tugboats as necessary to be determined by the Administration to ensure that they keep on course.

Local maritime traffic  
Article 39

In the area delimited by the lines drawn from the Türkeli Lighthouse to the Anadolu Lighthouse in the north, and from the Ahirkapi Lighthouse to the Inciburnu breakwater Lighthouse, Kadikoy, in the south, vessels travelling between the shores of the Strait, intra-city ferries and other vessels will cross the traffic separation lanes as rapidly as possible. Such vessels will avoid the routes of vessels sailing from the Black Sea to the Sea of Marmara, or vice versa, and will take care not to cause evasive manoeuvres. In case of the danger of collision, vessels will take action according to COLREG 72/79.

Currents  
Article 40

(a) When the main surface current speed in the Strait of Istanbul exceeds 4 NM/hr or when northerly surface currents are caused by southerly winds, then large vessels, deep-draught vessels and hazardous-cargo-carrying vessels with a speed of 10 NM/hr or less will not enter the Straits and will wait until current speeds are 4 NM/hr or less.

(b) When the main surface current in the Strait exceeds 6 NM/hr or when strong northerly flows are caused by southerly winds, then large vessels, deep-draught vessels and hazardous-cargo-carrying vessels - whatever their speed - will not enter the Strait and will wait until current speeds are less than 6 NM/hr, or the strong northerly flows have stopped.

(c) The Administration will provide information on the state of the currents to the vessels and others concerned.

(d) When the current speed or direction has returned to normal, the arrangement and order of entering the Straits shall be determined and notified to the waiting vessels and persons concerned by the Traffic Control Centre.

Visibility  
Article 41

Information on reduced visibility will be provided by the Administration to vessels and others concerned.

(a) Whenever visibility is 2 NM or less in any part of the Strait, vessels passing through the Strait will keep their radar turned on constantly to provide radar readings. On vessels with two radars, one of them will be assigned to the pilot's usage.

(b) When visibility is 1.5 NM or less in any part of the Strait, vessels whose radar does not provide a complete display ability shall not enter the Strait.

(c) When visibility in the Strait is 1 NM or less, vessels carrying hazardous cargo and large vessels shall not enter into the Straits.

(d) When visibility in any part of the Straits is 0.5 NM, maritime traffic shall be open in the appropriate direction and closed in the opposite. In such situations only vessels less than 100 metres in length and which do not carry hazardous cargo can navigate in the direction open to traffic.

(e) When visibility in any part of the Strait is less than 0.5 NM, the traffic flow in the Strait shall be closed in both directions.

(f) When visibility in the Strait is suitable for navigation, the arrangement and order of entering the Strait shall be determined and notified to the waiting vessels and persons concerned by the Traffic Control Centre.

Large vessels with hazardous cargo  
Article 42

When a large vessel with hazardous cargo enters the Strait, a similar vessel may not enter the Strait until the previous vessel has exited.

Pilotage services  
Article 43

Pilotage services will be carried out in the Straits in the following manner.

A. Transiting vessels:

(a) In the Black Sea: Pilots will embark and disembark north of the line joining Hamsi Limani (Port Hamsi) and the Fil Burnu (Cape Fil) Lighthouse;

(b) In the Sea of Marmara: Pilots will embark and disembark south of the latitude which passes through Fenerbahçe Lighthouse;

B. Vessels entering or leaving port:

(a) Vessels coming from the Black Sea and headed for port will disembark the Strait pilot and take on board the port pilot, at a distance that will permit docking manoeuvres;

(b) Vessels headed for port coming from the Sea of Marmara will take on board the port pilot at the same location as transiting vessels;



(c) Vessels sailing from outside the port to a docking area in the Port of Istanbul which lies outside the Strait, will take on board the port pilot at least three miles away from the docking area;

(d) When the vessels above are at anchor, they will take on board the port pilots at the anchorage point;

C. The locations for embarking or disembarking pilots can be changed due to considerations of maritime traffic and navigational safety by the Administration. In such cases the Administration will notify the persons concerned.

#### Security and customs inspections

##### Article 44

Security and customs inspections will not take place in the traffic separation schemes. However, when necessary security and customs inspections can be carried out by officials who board the vessels at pilot embarking positions, en route until reaching port, at port or at designated anchorage locations.

#### Health inspections

##### Article 45

Health inspections in the Strait of Istanbul may be carried out just before pilot embarking positions and at locations which will not affect navigational safety.

If due to compulsory circumstances health inspections can not take place at the locations above, then they will be carried out at positions determined by the Port Authority.

#### Meeting points with agents

##### Article 46

Vessels may hold contacts with agents for less than one hour, west of the longitude which runs through the Kumkapi breakwater Lighthouse and to the far starboard side of their traffic separation lane.

For meetings longer than one hour, the anchorage locations must be used.

### PART VI REGULATIONS CONCERNING THE TRAFFIC SEPARATION SCHEME IN THE STRAIT OF CANAKKALE

#### Boundaries

##### Article 47

The boundaries of the traffic separation in the Strait of Canakkale are delimited in the north by the lines joining the points:

40 37N, 027 11E

40 27N, 027 09E

and to the south the lines joining the points:

40 05N, 026 11E 40 02N, 025 55E, 39 50N, 025 53E

39 44N, 025 55E 39 44N, 026 09E

Call point report  
Article 48

Vessels greater than 20 metres entering the Strait of Canakkale will present a call point report via VHF, the contents and location of which will be determined by the Administration.

Local maritime traffic  
Article 49

Vessels crossing between the shores of the Strait, intra-city ferries and other vessels will pass through the traffic separation lanes as rapidly as possible. Such vessels will avoid the routes of vessels proceeding from the Aegean to the Sea of Marmara, and vice versa, and will take care not to cause evasive manoeuvres. In case of the danger of collision, vessels will take action according to COLREG 72/79.

Currents  
Article 50

(a) At the Strait of Canakkale, vessels the difference between whose speed and the main surface current is less than 4 NM/hr will not enter the Strait and will wait for the current's speed to diminish. Vessels, the difference between whose speed and the slowest current speed is less than 4 NM/hr, will pass through the Strait with tugboats which will be determined by the Port Authority according to the tonnage of the vessel.

(b) Information on the currents will be provided by the Traffic Control Centre to the vessels and persons concerned.

(c) When the current speed or direction has returned to normal, the arrangement and order of entering the Strait shall be determined and notified to the waiting vessels and persons concerned by the Traffic Control Centre.

Visibility  
Article 51

Information on reduced visibility will be provided by the Administration to vessels and persons concerned.

(a) Whenever visibility is 2 NM or less in any part of the Strait, vessels passing through the Strait will keep their radar turned on constantly to provide radar readings. On vessels with two radars, one of them will be assigned to the pilot's usage.

(b) When visibility is 1.5 NM or less in any part of the Strait, vessels whose radar does not provide a complete display ability shall not enter the Strait.

(c) When visibility in the Strait is 1 NM or less, vessels carrying hazardous cargo and large vessels shall not enter into the Straits.

(d) When visibility in any part of the Strait is 0.5 NM, maritime traffic shall be open in the appropriate direction and closed in the opposite. In such situations only vessels less than 100 meters in length and which do not carry hazardous cargo can navigate in the direction open to traffic.

(e) When visibility in any part of the Strait is less than 0.5 NM, the traffic flow in the Strait shall be closed in both directions.

(f) When visibility in the Strait is suitable for navigation, the arrangement and order of entering the Strait shall be determined and notified to the waiting vessels and persons concerned by the Traffic Control Centre.

Large vessels with hazardous cargo

Article 52

When a large vessel with hazardous cargo enters the Strait, a similar vessel approaching from the opposite direction may not enter the Strait until the previous vessel has exited. There shall be a distance of at least 20 NM between two such vessels which are proceeding in the same direction.

Pilotage services

Article 53

Pilotage services will be carried out in the Straits in the following manner:

A. Transiting vessels:

(a) In the Aegean Sea: Pilots will embark and disembark west of the longitude passing through the Kumkale Lighthouse;

(b) In the Sea of Marmara: Pilots will embark and disembark east of the longitude which passes through Gelibolu Lighthouse;

B. Vessels entering or leaving port:

(a) Vessels coming from outside the Strait and headed for a port in the Strait will take on board the Strait pilot at the same location as transiting vessels. When under way these vessels will disembark the Strait pilot and take on board the port pilot at a distance that will permit docking manoeuvres;

(b) Vessels coming from outside the port boundaries to a docking area in the port which lies outside the Strait, will take on board the port pilot at a distance which permits docking manoeuvres;

(c) When the vessels above are at anchor, they will take on board the port pilot at the anchorage point;

C. The locations for embarking or disembarking pilots can be changed, due to considerations of maritime traffic and navigational safety, and notified to the persons concerned by the Administration.

Security and customs inspections

Article 54

Security and customs inspections will not take place in the traffic separation scheme. However, when necessary, security and customs inspections can be carried out by officials, which board the vessels at pilot embarking positions, en route until reaching port, at port or at designated anchorage locations.

Health inspections

Article 55

Health inspections in the Strait of Canakkale may be carried out just before pilot embarking or disembarking positions and at locations which will not affect navigational safety.

If due to compulsory circumstances health inspections can not take place at the locations above, then they will be carried out at positions determined by the Coasts and Shores Health Directorate and the Port Authority.

Meeting points with agents

Article 56

Vessels may hold contacts with agents for less than one hour, south of the line joining the Kanlidere and Karanfil lighthouses and to the far starboard side of their traffic separation lane.

For meetings longer than an hour the anchorage locations must be used.

PART VII  
OTHER ARTICLES

Violations and regulations

Article 57

Unless a more severe penalty is prescribed by relevant Turkish legislation, the penal articles of Port Law No. 618 will be applied to masters and sailors found to be in violation of these regulations.

Entry into effect

Article 58

The articles of these Regulations, prepared in accordance with article 115 of the Constitution of the Republic of Turkey, article 37 of Law No. 3046 on the Establishment and Principles of Responsibility of Ministries and article 2 of Port Law No. 618, and reviewed by the Council of State, will enter into effect on 1 July 1994.

Execution

Article 59

The execution of the articles of these Regulations will be the responsibility of the Council of Ministers.

**5. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
(FALKLAND ISLANDS)**

Proclamation extending the Falkland Islands Outer Conservation Zone, 22 August 1994<sup>1/</sup>

The Acting Governor this morning signed Proclamation No. 1 of 1994 which will have the effect of extending the north-western limit of the Falkland Islands Outer Conservation Zone so as to include certain waters which are within 200 miles of Falkland Islands baselines.

The reason for this section is to prevent uncontrolled fishing taking place in that area to the prejudice of the stocks of fish and, in particular, of illex squid.

The Proclamation will come into effect on 1 September 1994.

**PROCLAMATION, No. 1 of 1994**

IN THE NAME OF HER MAJESTY ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith;

By HIS HONOUR RONALD SAMPSON ESQUIRE, the person designated in accordance with law to perform the functions of the office of Governor of the Falkland Islands during the present absence thereof of HIS EXCELLENCY DAVID EVERARD TATHAM ESQUIRE, COMPANION OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, Governor of the Falkland Islands,

WHEREAS Section 3 of Proclamation No. 2 of 1990 provides for the variation of the outer limits of the outer fishery conservation zone (hereinafter referred to as "the outer zone"),

AND WHEREAS there is a need to make further provision for the protection and preservation of the marine environment in the seas around the Falkland Islands in accordance with international law,

NOW THEREFORE I, RONALD SAMPSON, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do HEREBY PROCLAIM as follows:

1. The outer limits of the outer zone are hereby varied by the substitution of the lines defined in the Schedule to this Proclamation for the lines defined in the Schedule to Proclamation No. 2 of 1990.
2. In regard to the interim fishery conservation and management zone and the outer zone, Her Majesty will exercise jurisdiction in accordance with the rules of international law over the protection and preservation of the marine environment, subject to such provision as may hereafter be made by law for those matters.
3. This Proclamation will become effective on 1 September 1994.

GIVEN under my hand and the Public Seal of the Falkland Islands this 22nd day of August in the year of Our Lord One Thousand Nine Hundred and Ninety Four.

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<sup>1/</sup> Press release from Government House, Stanley, 22 August 1994.

SCHEDULE

The outer zone is bounded by lines of the type described in column 2 joining the points defined to the nearest minute of arc by coordinates of latitude and longitude on WGS 72 Datum specified in column 1.

<u>Column 1</u> Coordinates of latitude and longitude	<u>Column 2</u> Line type
1. 47° 42'S 60°45'W	1-2 Meridian
2. 48° 20'S 60°45'W	2-3 Rhumb line
3. 49° 00'S 60°56'W	3-4 Rhumb line
4. 49° 26'S 61°14'W	4-5 Arc of circle which has a radius of 150 nautical miles and its centre at latitude 51°40'S, longitude 59°30'W, drawn clockwise
5. 54° 02'S 58°13'W	5-6 Rhumb line
6. 54° 38'S 58°02'W	6-7 Meridian
7. 55° 30'S 58°02'W	7-8 Rhumb line
8. 56° 14'S 58°31'W	8-9 A line drawn counter-clockwise 200 nautical miles from the nearest points on the baseline of the territorial sea of the Falkland Islands
9. 47° 42'S 60°45'W	7-8 Rhumb line

B. Communication and statement from States

1. ARGENTINA

Note dated 22 August 1994 from the Ministry of Foreign Affairs, International Trade and Worship of Argentina addressed to the Embassy of the United Kingdom of Great Britain and Northern Ireland <sup>1/</sup>

[Original: Spanish]

The Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and refers to the unilateral British decision to extend its alleged jurisdiction over the maritime space west of and adjacent to the area described in the annex to the Joint Statement of 28 November 1990.

The Argentine Government registers its most serious protest and rejection of that measure which involves maritime spaces adjacent to Argentine national territory, and does not accept the attempt to extend the dispute over sovereignty to an undisputed area.

In the maritime space in which the United Kingdom seeks to extend its alleged jurisdiction, the Argentine Republic has exercised, exercises and will continue to exercise sovereign rights, particularly in respect of the administration and control of fisheries.

The British action implies a departure from the Joint Statement and the bilateral understandings reached from 1990 until now regarding the South-West Atlantic.

Furthermore, the action of the United Kingdom disregards the General Assembly resolutions which call on the parties to the dispute to find a solution to the controversy regarding sovereignty over the Malvinas, South Georgia and South Sandwich islands by means of negotiations and which call upon the two parties "to refrain from taking decisions that would imply introducing unilateral modifications in the situation" (General Assembly resolution 31/49 of 1976).

The Argentine Government reserves the right to raise the question of the serious situation deriving from the measure adopted by the British Government in the competent international forums, particularly the General Assembly of the United Nations.

Without prejudice thereto, and in exercise of its jurisdiction over the said area, the Argentine Government will continue to administer and exploit the living marine resources in that zone, and to monitor and control the activities carried out therein, for the better conservation of the resources.

Furthermore, the Argentine Government considers that unilateral decisions of this nature interfere with the maintenance and possible deepening of the bilateral understandings on fisheries, with negative consequences for the conservation of the living marine resources in the South-West Atlantic.

Consequently, the Argentine Government urges the British Government to refrain from putting the measure into effect and from any unilateral act in the area in question so as to permit the continuation of the fruitful cooperation achieved thus far.

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<sup>1/</sup> A/49/334-S/1994/988.

## 2. YUGOSLAVIA

Statement of the Ministry of Foreign Affairs of Yugoslavia on  
the occasion of the entry into force of the United Nations  
Convention on the Law of the Sea and the beginning of the  
work of the International Seabed Authority <sup>1/</sup>

The Federal Republic of Yugoslavia, as a Member State, welcomes the entry into force of the United Nations Convention on the Law of the Sea and the beginning of the work of the International Seabed Authority.

Yugoslavia, as a Mediterranean and maritime country, took an active and constructive part in the elaboration of the Convention on the Law of the Sea. It has consistently and principally sought solutions which would promote international cooperation in this field on the basis of equality and respect for the sovereignty and integrity of the States parties and has been a staunch advocate of peaceful settlement of disputes and progress of the developing countries. Yugoslavia was one of the first countries which signed (1982) and ratified (1986) the Convention on the Law of the Sea.

We would like to use this opportunity to underline that the Convention on the Law of the Sea represents a unique system of international treaties laying down a comprehensive legal framework for various aspects of international cooperation in exploiting world seas and oceans. At the same time, the Convention renders a significant contribution to the codification and development of contemporary international law, particularly in the field of scientific research, transfer of technology, environmental protection and the affirmation and elaboration of the concept of the "common heritage of mankind".

Welcoming the beginning of the work of the International Seabed Authority, the Federal Republic of Yugoslavia expresses its hope that, through its activities in the field of the exploration and exploitation of the seabed and ocean floor, the Authority will contribute to general progress and advancement, in particular in developing countries.

The Federal Republic of Yugoslavia is deeply convinced that the entry into force of the Convention on the Law of the Sea will usher in a new era of advanced global, equitable international maritime cooperation and stands ready to render its full contribution.

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<sup>1/</sup> A/49/671.



### III. REGIONAL DECLARATION AND TREATIES

#### 1. Solemn Declaration on the Conservation and Management of the Fishery Resources of the Mediterranean, 12-14 December 1994

All States (that term comprising, for the purposes of this Declaration, the European Union) participating in the Conference on Fisheries Management in the Mediterranean, held in Crete on 12, 13 and 14 December 1994,

1. Recognizing the desirability of promoting the peaceful uses of the seas, together with the rational and efficient utilization and the conservation of their living resources;
2. Desiring to cooperate with a view to ensuring the effective conservation of those resources in the Mediterranean, as well as the sustainable development of the fisheries;
3. Conscious of the specific characteristics of the Mediterranean, the multiple uses of which for industry and tourism, amongst others, contribute to the sensitivity of its environment;
4. Taking account of the relevant provisions of the United Nations Convention on the Law of the Sea, which entered into force on 16 November 1994 and which requires all members of the international community to cooperate in the conservation and management of the living resources of the high seas;
5. Bearing in mind the work of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and the International Code of Conduct for Responsible Fishing being drawn up under the auspices of the Food and Agriculture Organization of the United Nations, and in particular the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;
6. Being of the opinion that the conservation of Mediterranean fishery resources, and the long-term and rational use of those resources, would be considerably enhanced if measures were adopted in cooperation by the coastal States of the Mediterranean and States whose nationals fish those resources in that sea;
7. Convinced of the need to reinforce existing structures for international cooperation in the Mediterranean, in such a way that all interested parties may participate therein and without neglecting the socio-economic consequences of effective action with regard to those resources,

Declare the following:

1. All States which benefit, in whatever capacity, from the biological wealth of the Mediterranean marine environment share in the duty to ensure that its fishery resources are preserved and developed.
2. Effective regional cooperation must be encouraged at the highest level amongst the parties concerned, to be open to all coastal States and any State whose vessels fish in the Mediterranean.
3. The objective of that cooperation, covering the resources, the environment and the application of legal principles, shall be the implementation of a system of conservation and management, harmonized at the Mediterranean level, on the basis of the best available scientific advice and the most beneficial existing practices, with the purpose of ensuring effective protection for the fishery resources of the Mediterranean and their rational exploitation, under the most favourable circumstances.
4. The coastal States of the Mediterranean and the other States which benefit from its biological resources will examine the legal instruments and other measures to be implemented in order to ensure comprehensive cooperation relating to the preservation and development of the fisheries resources of the region.

2. Convention on the Conservation and Management of Pollack Resources  
in the Central Bering Sea, 16 June 1994

The Parties to this Convention,

Recognizing the urgent necessity to cooperate in taking measures for the conservation and management of pollack resources in the Central Bering Sea consistent with international law, and

Noting the adoption of the United Nations Convention on the Law of the Sea in 1982,

Have agreed as follows:

ARTICLE I

This Convention applies to the high seas area of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the coastal States of the Bering Sea is measured (hereinafter referred to as "the Convention Area"), except as otherwise provided in this Convention. Activities under this Convention, for scientific purposes, may extend beyond the Convention Area within the Bering Sea.

ARTICLE II

The objectives of this Convention shall be:

1. To establish an international regime for conservation, management and optimum utilization of pollack resources in the Convention Area;
2. To restore and maintain the pollack resources in the Bering Sea at levels which will permit their maximum sustainable yield;
3. To cooperate in the gathering and examining of factual information concerning pollack and other living marine resources in the Bering Sea; and
4. To provide, if the Parties agree, a forum in which to consider the establishment of necessary conservation and management measures for living marine resources other than pollack in the Convention Area as may be required in the future.

ARTICLE III

1. To achieve the objectives of this Convention, the Parties agree to:
  - (a) Convene an Annual Conference of the Parties; and
  - (b) Establish a Scientific and Technical Committee.
2. The Parties shall adopt and amend as necessary rules of procedure both for the Annual Conferences and the Scientific and Technical Committee.

ARTICLE IV

1. The functions of the Annual Conference shall be:

- (a) To establish the allowable harvest level for pollack in the Convention Area (hereinafter referred to as "the AHL") for the succeeding year;
- (b) To establish an individual national quota of pollack in the Convention Area (hereinafter referred to as "the INQ") for the succeeding year for each Party;
- (c) To adopt other appropriate conservation and management measures for the pollack resources in the Convention Area;
- (d) To establish a plan of work for the Scientific and Technical Committee (hereinafter referred to as "the Plan of Work");
- (e) To receive reports from each Party relating to measures taken to investigate and penalize violations of provisions of this Convention and measures adopted pursuant thereto;
- (f) To establish the terms and conditions for any trial fishing operations for pollack in the Convention Area and to determine the scope of any cooperative scientific research on living marine resources other than pollack covered by this Convention;
- (g) To discuss cooperative enforcement measures;
- (h) To consider the effectiveness of the Central Bering Sea Observer Programme established pursuant to article XI and to adopt a manual of the procedures for boarding and inspection referred to in article XI;
- (i) To consider matters related to the conservation and management of living marine resources other than pollack in the Convention Area;
- (j) To discuss scientific data and conservation measures of the coastal States of the Bering Sea related to pollack fishing in the Bering Sea;
- (k) To discuss fishery support operations in the Convention Area, including the environmental impact of such operations;
- (l) To adopt amendments to the annex to this Convention; and
- (m) To perform other functions as follow from provisions of this Convention or as are necessary to attain the objectives of this Convention.

2. The Party that hosts the Annual Conference shall publish and maintain a record of all conservation and management measures in force in the Convention Area.

3. In exercising its functions under paragraph 1 above, the Annual Conference shall take full account of the reports and recommendations of the Scientific and Technical Committee.

#### ARTICLE V

1. Each Party has one vote in making decisions at the Annual Conference.
2. Except as provided elsewhere in this Convention, decisions of the Annual Conference on matters of substance shall be taken by consensus. A matter shall be deemed to be of substance if any Party considers it to be of substance.
3. Decisions on matters other than those referred to in paragraph 2 above shall be taken by a simple majority of the votes of all Parties casting affirmative or negative votes.

#### ARTICLE VI

1. The Annual Conferences shall be held in rotation among the Parties.
2. The site of the next Annual Conference shall be decided by the previous Annual Conference.
3. The Parties shall at the end of each Annual Conference elect a Chairperson and a Vice-Chairperson who shall serve until the end of the next Annual Conference.

#### ARTICLE VII

1. The Annual Conference shall establish by consensus the AHL for the succeeding year, based upon an assessment of the Aleutian Basin pollack biomass by the Scientific and Technical Committee.
2. If every effort to achieve consensus has failed, the AHL shall be determined in accordance with the provisions of part 1 of the annex.

#### ARTICLE VIII

1. The Annual Conference shall establish by consensus the INQ from the succeeding year for each Party, the total of which shall not exceed the AHL, with the understanding that an INQ shall not be transferred to any other Party or non-Party to this Convention.
2. If every effort to achieve consensus has failed, the Parties agree that fishing for pollack in the Convention Area shall take place pursuant to the provisions of part 2 of the annex.

#### ARTICLE IX

1. The Scientific and Technical Committee, which shall be comprised of at least one representative from each Party, shall compile, exchange and analyse information on fisheries harvests, and pollack and other living marine resources covered by this Convention in accordance with the Plan of Work established by the Annual Conference, and shall investigate other scientific matters as may be referred to it by the Annual Conference. It shall also establish forms and procedures for the Parties to submit fisheries data as required by article X.
2. The Scientific and Technical Committee shall hold a meeting prior to the Annual Conference and shall report to the Annual Conference the results of its meeting.
3. The Scientific and Technical Committee shall strive to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall include the differing views of the representatives of the Parties to the Scientific and Technical Committee.

4. The Scientific and Technical Committee shall make recommendations to the Annual Conference with respect to the conservation and management of pollack, including the AHL for the succeeding year.

5. The Scientific and Technical Committee may perform such functions as follow from other provisions of this Convention or as the Annual Conference may determine.

#### ARTICLE X

1. The Parties shall cooperate in the conduct of scientific research on the pollack resources and, as may be determined by the Annual Conference, on other living marine resources covered by this Convention, including research on the determination of migratory patterns of pollack within and beyond the Convention Area. The Parties shall also cooperate in exchanging scientific data on these resources and in adopting standardized methodologies for such scientific research.

2. The Parties shall annually submit fisheries data to the Scientific and Technical Committee including catch and effort statistics, time and area of fishing operations, incidental taking of anadromous species or other living marine resources, or other biological and technical data as may be required to meet the objectives of this Convention.

3. Each Party shall, at the request of any other Party, consult bilaterally for the purpose of accommodating scientific observers from the requesting Party on board any fishing vessel of the requested Party in the Convention Area.

4. For any year in which the AHL is zero, the Annual Conference may authorize trial fishing operations for pollack in the Convention Area to be conducted by the fishing vessels of the Parties in accordance with a research plan that is submitted by any Party concerned and is approved by the Annual Conference, based upon the recommendations of the Scientific and Technical Committee. The terms and conditions for such operations shall be established by the Annual Conference.

#### ARTICLE XI

1. Each Party shall take all necessary measures to ensure that its nationals and fishing vessels flying its flag comply with the provisions of this Convention and measures adopted pursuant thereto. For purposes of this Convention, "fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of living marine resources, including mother ships and any other vessels directly engaged in such fishing operations.

2. Each Party shall:

- (a) Ensure that its fishing vessels fish for pollack in the Convention Area only pursuant to specific authorization issued by that Party; and
- (b) Ensure that fishing operations for pollack by its fishing vessels undertaken in violation of the provisions of this Convention or of such authorization constitute an offence under its national legislation.

3. Each Party shall require its fishing vessels that fish for pollack in the Convention Area:

- (a) To use real-time satellite position-fixing transmitters while in the Bering Sea;
- (b) To notify the other Parties of their intention to enter the Convention Area 48 hours prior to such entry, the procedures for which shall be established by the Annual Conference; and

- (c) To notify the other Parties of the location of any transshipments of fish and fish products to transport vessels 24 hours prior to such transshipment.

4. The Parties shall exchange:

- (a) Information collected by real-time satellite position-fixing transmitters on a real-time basis through bilateral channels; and
- (b) Catch data on a sufficiently regular basis, established by the Annual Conference, to ensure effective implementation of the relevant conservation and management measures.

5. The Parties shall establish a Central Bering Sea Observer Programme in accordance with the following principles:

(a) Each fishing vessel of the Parties that fishes for pollack in the Convention Area shall accept one observer of a Party other than its flag-State Party, upon request of such Party, under conditions established bilaterally sufficiently in advance by the Parties concerned. If such an observer is not available, the fishing vessel shall have on board one observer from its flag-State Party.

(b) The observers shall be trained and certified in accordance with the procedures to be included in the Programme.

(c) The Programme shall have as its objective a significant level of coverage by observers sent by non-flag-State Parties.

(d) With respect to observers sent by non-flag State Parties, each Party shall require its fishing vessels to bear the costs of meals and accommodation of such observers. Other matters relating to costs shall be arranged between the Parties concerned.

(e) The activities of observers shall include monitoring the implementation of conservation and management measures adopted pursuant to this Convention (e.g., measures relating to fishing activities, location thereof, incidental catch, and fishing gear) and reporting of their findings to the flag-State Party and observer's Party.

6. Each Party may enforce the provisions of this Convention within the Convention Area in accordance with the following:

(a) Each Party consents to the boarding and inspection of fishing vessels flying its flag and located in the Convention Area by duly authorized officials of any other Party for compliance with this Convention or measures adopted pursuant thereto.

(b) Such officials may inspect the vessel (other than crew quarters and engineering spaces), catch, fishing gear and relevant documents and logbooks, and question the master, the fishing master and other officers on board.

(c) When conducting inspections, such officials shall present credentials issued by their Governments, minimize interference with and inconvenience to the operations of the fishing vessel undertaken pursuant to this Convention, and follow procedures set forth in a manual adopted by the Annual Conference.

7. Where an inspection of a fishing vessel undertaken under paragraph 6 above reveals evidence of a violation of the provisions of this Convention or of measures adopted pursuant thereto:

(a) The flag-State Party shall be notified promptly of alleged violations. The flag-State Party shall take appropriate measures in accordance with its national laws and regulations, including prompt investigation. The flag-State Party shall order the fishing vessel to cease operations in violation of the provisions of this Convention or of measures adopted pursuant thereto and, in appropriate cases, shall order the fishing vessel to leave the Convention Area immediately.

(b) In any case in which the fishing vessel has:

- (i) Engaged in fishing for pollack, other than authorized trial fishing, in the Convention Area in any year:
  - (1) In which the AHL is zero;
  - (2) In which fishing for pollack is not allowed in accordance with the provisions of this Convention;
  - (3) After the total catch of pollack of the fishing vessel's Party has reached the INQ of that Party;
- (ii) Operated in the Convention Area without specific authorization from the flag-State Party; or
- (iii) Operated in the Convention Area without an observer or without an operable real-time satellite position-fixing transmitter, in circumstances set forth in a manual adopted by the Annual Conference,

and the flag-State Party is not in a position to take immediate control of or otherwise carry out its responsibility for the operation of the fishing vessel, the officials of the boarding Party may continue the boarding initiated under paragraph 6 above until officials of the flag-State Party board the fishing vessel or the flag-State Party otherwise carries out its responsibility for the operation of the fishing vessel. In such circumstances, the Parties concerned shall cooperate to ensure full compliance with this Convention and with conservation and management measures adopted pursuant thereto. In particular, the Parties concerned shall consult and take such practical steps as may be necessary to ensure such compliance.

(c) Only the authorities of the flag-State Party may try the offence and impose penalties therefor. The evidence necessary for establishing the offence, in so far as it is under the control of any of the Parties, shall be furnished, in accordance with the respective laws and regulations of the Parties, as promptly as possible to the Party having jurisdiction to try the offence and shall be taken into account, and utilized as appropriate, by the relevant authorities of that Party.

(d) Penalties provided for in the relevant laws and regulations of the Parties shall reflect the seriousness of the infractions.

## ARTICLE XII

1. The Parties agree to invite the attention of any non-Party to this Convention to any matter relating to the fishing operations of its nationals, residents or vessels flying its flag that could affect adversely the attainment of the objectives of this Convention.

2. The Parties shall, consistent with international law, encourage any non-Party to respect the provisions of this Convention and any conservation and management measures adopted pursuant thereto.

3. If fishing operations by nationals, residents or vessels of any non-Party could affect adversely the attainment of the objectives of this Convention, the Parties shall take measures, individually or collectively, which are consistent with international law, and which they deem necessary and appropriate, to deter such operations.
4. Each Party shall take appropriate measures aimed at preventing fishing vessels registered under its laws and regulations from transferring their registration for the purpose of avoiding compliance with the provisions of this Convention or conservation and management measures adopted pursuant thereto.
5. The Parties may, by unanimous agreement, invite the representative of any non-Party to participate as an observer at the Annual Conferences.

#### ARTICLE XIII

If any dispute arises between two or more of the Parties concerning the interpretation or application of this Convention, those Parties shall consult among themselves with a view to having the dispute resolved by available peaceful means of their own choice.

#### ARTICLE XIV

1. The annex to this Convention shall form an integral part of this Convention. All references to this Convention shall be understood as including the annex.
2. The annex to this Convention shall be considered amended upon the acceptance by the Governments of all Parties of a proposed amendment to the annex adopted by the Annual Conference in accordance with the provisions of subparagraph 1 (1) of article IV. An amendment to the annex shall enter into force on the date upon which the Depositary receives notification in writing from all Parties of their acceptance of the amendment.
3. The Depositary shall notify all Parties of the date of receipt of each notification of acceptance of an amendment to the annex.

#### ARTICLE XV

The official language of the Annual Conference and the Scientific and Technical Committee shall be English.

#### ARTICLE XVI

1. This Convention shall be open for signature at Washington by the People's Republic of China, Japan, the Republic of Korea, the Republic of Poland, the Russian Federation and the United States of America.
2. This Convention shall enter into force on the thirtieth day following the date on which at least four signatory States, including the Russian Federation and the United States of America, which are the coastal States of the Bering Sea, have deposited their instrument of ratification, acceptance or approval with the Depositary.
3. This Convention shall enter into force for each of the other signatory States on the thirtieth day following the date of deposit of that State's instrument of ratification, acceptance or approval.



4. After the entry into force of this Convention, the Parties may, by unanimous agreement, invite other States whose nationals and fishing vessels wish to conduct fishing for pollack in the Convention Area to become Parties to this Convention. This Convention shall enter into force for any such other State on the thirtieth day following the date of the State's instrument of accession.

#### ARTICLE XVII

1. Any Party may at any time propose an amendment to this Convention other than the annex by providing the text of such a proposal to the Depositary. The Depositary shall promptly circulate any such proposals to all Parties.

2. If one half of the Parties request a meeting to discuss a proposed amendment, the Depositary shall call such a meeting, which shall take place no sooner than sixty days following the date of circulation of the proposal pursuant to paragraph 1 above.

3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all Parties.

#### ARTICLE XVIII

After three years from the entry into force of this Convention, any Party may withdraw from this Convention twelve months after the date on which it notifies the Depositary in writing of its intention to withdraw.

#### ARTICLE XIX

Nothing in this Convention nor any measures adopted pursuant thereto shall be deemed to prejudice the positions or views of any Party with respect to its rights and obligations under treaties and other international agreements to which it is party or its positions or views with respect to the law of the sea.

#### ARTICLE XX

The original of this Convention shall be deposited with the Government of the United States of America, which shall be the Depositary. The Depositary shall transmit certified copies thereof to all other signatory States and acceding States.

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

DONE at Washington this sixteenth day of June, 1994, in a single original, in the English language.

ANNEX

**PART 1**

Pursuant to paragraph 2 of article VII, the AHL shall be determined as follows:

(a) Based on scientific and technical information reviewed by the Scientific and Technical Committee, one institution each designated by the Russian Federation and the United States of America, as the coastal States of the Bering Sea, shall jointly establish the Aleutian Basin pollack biomass.

(b) If there is insufficient scientific and technical information available to allow the two institutions designated pursuant to paragraph (a) above to establish the Aleutian Basin pollack biomass, the Parties agree that, for the purpose of this Convention, the pollack biomass for the Specific Area <sup>1/</sup> as determined by the United States institution designated pursuant to paragraph (a) above shall be deemed to represent 60 percent of the Aleutian Basin pollack biomass.

(c) If the Aleutian Basin pollack biomass is less than 1.67 million metric tons, the AHL shall be zero and, therefore, there shall be no directed fishing on the Aleutian Basin pollack stock.

(d) If the Aleutian Basin pollack biomass is equal to or above 1.67 million metric tons, the AHL shall be determined in accordance with the following table:

<u>Aleutian Basin pollack biomass</u>	<u>AHL</u>
1.67 million metric tons or more but <u>less than 2.0 million metric tons</u>	<u>130,000 metric tons</u>
2.0 million metric tons or more but <u>less than 2.5 million metric tons</u>	<u>190,000 metric tons</u>
<u>2.5 million metric tons or more</u>	Determined by consensus at the <u>Annual Conference</u>

**PART 2**

Pursuant to paragraph 2 of article VIII, the Annual Conference shall, by consensus, establish an effective management system for the pollack fishery in the Convention Area. The management system:

(a) Shall be based upon the recommendations of the Scientific and Technical Committee;

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<sup>1/</sup> The Specific Area is the area south of a straight line between a point at 55°46'N and 170°00'W and a point at 54°30'N and 167°00'W, and between the meridian 167°00'W and the meridian 170°00'W, and north of the Aleutian Islands and straight lines between the islands connecting the following coordinates in the order listed:

- 52°49.2'N      169°40.4'W,
- 52°49.8'N      169°06.3'W,
- 53°23.8'N      167°50.1'W,
- 53°18.7'N      167°51.4'W,

(b) Shall take full account of the applicable fishing effort of each Party, the harvesting and processing capacity of the fishing vessels that may be involved, and their relative efficiency;

(c) Shall not prejudice the opportunity for the fishing vessels of all Parties to participate in the fishery; and

(d) Shall include a starting date for the fishery, a programme for effectively monitoring catch, procedures for closing the fishery and, where appropriate, other specific conservation and management measures.

