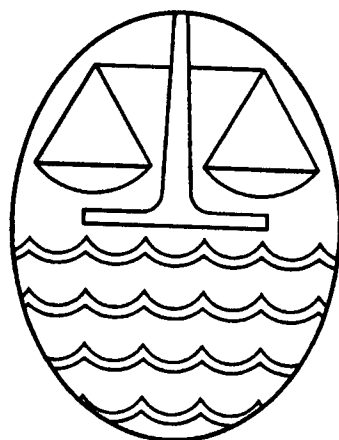


Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Law of the Sea



Bulletin No. 44



United Nations
New York, 2001

NOTE

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Publication in the Bulletin of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States does not imply recognition by the United Nations of the validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN
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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, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks





































1. Table recapitulating the status of the Convention and of the related Agreements, as at 30 November 2000






























State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature  (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature 	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); ^{1/} simplified procedure (sp); ^{2/}	Signature  (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
TOTALS	158 (☐35)	135 (☐49)	79	100	59 (☐5)	28 (☐6)
Afghanistan						
Albania						
Algeria	☐	☐11 June 1996		11 June 1996 (p)		
Andorra						
Angola	☐	5 December 1990				
Antigua and Barbuda		2 February 1989				
Argentina	☐	☐1 December 1995		1 December 1995		
Armenia						
Australia		5 October 1994		5 October 1994		23 December 1999
Austria		☐14 July 1995		14 July 1995		



















































^{1/} States bound by the Agreement by having ratified, acceded or succeeded to the Convention under article 4, paragraph 1, of the Agreement.


































^{2/} States bound by the Agreement under the simplified procedure set out in article 5 of the Agreement.










































^{3/} In accordance with its article 40, the Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.












































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Azerbaijan						
Bahamas		29 July 1983		28 July 1995		16 January 1997(a)
Bahrain		30 May 1985				
Bangladesh						
Barbados		12 October 1993		28 July 1995 (sp)		22 September 2000(a)
Belarus	☐					
Belgium	☐	☐13 November 1998		13 November 1998		
Belize		13 August 1983		21 October 1994 (ds)		
Benin		16 October 1997		16 October 1997 (p)		
Bhutan						
Bolivia	☐	28 April 1995		28 April 1995 (p)		
Bosnia and Herzegovina		12 January 1994 (s)				
Botswana		2 May 1990				
Brazil	☐	☐22 December 1988				8 March 2000
Brunei Darussalam		5 November 1996		5 November 1996 (p)		
Bulgaria		15 May 1996		15 May 1996 (a)		
Burkina Faso						
Burundi						
Cambodia						
Cameroon		19 November 1985				
Canada						☐3 August 1999
Cape Verde	☐	☐10 August 1987				
Central African Republic						
Chad						
Chile	☐	☐25 August 1997		25 August 1997 (a)		
China		☐7 June 1996		7 June 1996 (p)	☐	

















































State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature  (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature 	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature  (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
Colombia						
Comoros		21 June 1994				
Congo						
<i>Cook Islands</i>		15 February 1995		15 February 1995 (a)		1 April 1999 (a)
Costa Rica	☐	21 September 1992				
Côte d'Ivoire		26 March 1984		28 July 1995 (sp)		
Croatia		☐5 April 1995 (s)		5 April 1995 (p)		
Cuba	☐	☐15 August 1984				
Cyprus		12 December 1988		27 July 1995		
Czech Republic		☐21 June 1996		21 June 1996		
Democratic People's Republic of Korea						
Democratic Republic of the Congo		17 February 1989				
Denmark						
Djibouti		8 October 1991				
Dominica		24 October 1991				
Dominican Republic						
Ecuador						
Egypt		☐26 August 1983				
El Salvador						
Equatorial Guinea		21 July 1997		21 July 1997 (p)		
Eritrea						
Estonia						
Ethiopia						
European Community	☐	☐1 April 1998 (fc)		1 April 1998(fc)	☐	















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Fiji		10 December 1982		28 July 1995		12 December 1996
Finland		☐21 June 1996		21 June 1996		
France		☐11 April 1996		11 April 1996		
Gabon		11 March 1998		11 March 1998 (p)		
Gambia		22 May 1984				
Georgia		21 March 1996 (a)		21 March 1996 (p)		
Germany		☐14 October 1994 (a)		14 October 1994		
Ghana		7 June 1983				
Greece		☐21 July 1995		21 July 1995		
Grenada		25 April 1991		28 July 1995 (sp)		
Guatemala		☐11 February 1997		11 February 1997 (p)		
Guinea		6 September 1985		28 July 1995 (sp)		
Guinea-Bissau		☐25 August 1986				
Guyana		16 November 1993				
Haiti		31 July 1996		31 July 1996 (p)		
<i>Holy See</i>						
Honduras		5 October 1993				
Hungary						
Iceland		☐21 June 1985		28 July 1995 (sp)		14 February 1997
India		☐29 June 1995		29 June 1995		
Indonesia		3 February 1986		2 June 2000		
Iran (Islamic Republic of)						17 April 1998(a)
Iraq		30 July 1985				
Ireland		☐21 June 1996		21 June 1996		
Israel						
Italy		☐13 January 1995		13 January 1995		

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Jamaica		21 March 1983		28 July 1995 (sp)		
Japan		20 June 1996		20 June 1996		
Jordan		27 November 1995 (a)		27 November 1995 (p)		
Kazakhstan						
Kenya		2 March 1989		29 July 1994 (ds)		
Kiribati						
Kuwait		☐2 May 1986				
Kyrgyzstan						
Lao People's Democratic Republic		5 June 1998		5 June 1998 (p)		
Latvia						
Lebanon		5 January 1995		5 January 1995 (p)		
Lesotho						
Liberia						
Libyan Arab Jamahiriya						
Liechtenstein						
Lithuania						
Luxembourg	☐	5 October 2000		5 October 2000		5 October 2000
Madagascar						
Malawi						
Malaysia		☐14 October 1996		14 October 1996 (p)		
Maldives		7 September 2000		7 September 2000		30 December 1998
Mali	☐	16 July 1985				
Malta		☐20 May 1993		26 June 1996		
Marshall Islands		9 August 1991 (a)				
Mauritania		17 July 1996		17 July 1996 (p)		

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Mauritius		4 November 1994		4 November 1994 (p)		☐25 March 1997(a)
Mexico		18 March 1983				
Micronesia (Federated States of)		29 April 1991 (a)		6 September 1995		23 May 1997
Monaco		20 March 1996		20 March 1996 (p)		9 June 1999(a)
Mongolia		13 August 1996		13 August 1996 (p)		
Morocco						
Mozambique		13 March 1997		13 March 1997 (a)		
Myanmar		21 May 1996		21 May 1996 (a)		
Namibia		18 April 1983		28 July 1995 (sp)		8 April 1998
Nauru		23 January 1996		23 January 1996 (p)		10 January 1997(a)
Nepal		2 November 1998		2 November 1998 (p)		
Netherlands		☐28 June 1996		28 June 1996	☐	
New Zealand		19 July 1996		19 July 1996		
Nicaragua	☐	☐3 May 2000		3 May 2000 (p)		
Niger						
Nigeria		14 August 1986		28 July 1995 (sp)		
Niue						
Norway		☐24 June 1996		24 June 1996 (a)		☐30 December 1996
Oman	☐	☐17 August 1989		26 February 1997 (a)		
Pakistan		☐26 February 1997		26 February 1997 (p)		
Palau		30 September 1996 (a)		30 September 1996 (p)		
Panama		☐1 July 1996		1 July 1996 (p)		
Papua New Guinea		14 January 1997		14 January 1997 (p)		4 June 1999
Paraguay		26 September 1986		10 July 1995		
Peru						

State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature  (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature 	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); ^{1/} simplified procedure (sp); ^{2/}	Signature  (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
Philippines		☐8 May 1984		23 July 1997		
Poland		13 November 1998		13 November 1998		
Portugal		☐3 November 1997		3 November 1997		
Qatar						
Republic of Korea		29 January 1996		29 January 1996		
Republic of Moldova						
Romania		☐17 December 1996		17 December 1996 (a)		
Russian Federation		☐12 March 1997		12 March 1997 (a)		☐4 August 1997
Rwanda						
Saint Kitts and Nevis		7 January 1993				
Saint Lucia		27 March 1985				9 August 1996
Saint Vincent and the Grenadines		1 October 1993				
Samoa		14 August 1995		14 August 1995 (p)		25 October 1996
San Marino						
Sao Tome and Principe		3 November 1987				
Saudi Arabia		☐24 April 1996		24 April 1996 (p)		
Senegal		25 October 1984		25 July 1995		30 January 1997
Seychelles		16 September 1991		15 December 1994		20 March 1998
Sierra Leone		12 December 1994		12 December 1994 (p)		
Singapore		17 November 1994		17 November 1994 (p)		
Slovakia		8 May 1996		8 May 1996		
Slovenia		☐16 June 1995 (s)		16 June 1995		
Solomon Islands		23 June 1997		23 June 1997 (p)		13 February 1997(a)
Somalia		24 July 1989				
South Africa		☐23 December 1997		23 December 1997		

State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature  (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature 	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature  (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
Spain		 15 January 1997		15 January 1997		
Sri Lanka		19 July 1994		28 July 1995 (sp)		24 October 1996
Sudan		23 January 1985				
Suriname		9 July 1998		9 July 1998 (p)		
Swaziland						
Sweden		 25 June 1996		25 June 1996		
<i>Switzerland</i>						
Syrian Arab Republic						
Tajikistan						
Thailand						
The former Yugoslav Republic of Macedonia		19 August 1994 (s)		19 August 1994 (p)		
Togo		16 April 1985		28 July 1995 (sp)		
Tonga		2 August 1995 (a)		2 August 1995 (p)		31 July 1996
Trinidad and Tobago		25 April 1986		28 July 1995 (sp)		
Tunisia		 24 April 1985				
Turkey						
Turkmenistan						
Tuvalu						
Uganda		9 November 1990		28 July 1995 (sp)		
Ukraine		 26 July 1999		26 July 1999		
United Arab Emirates						
United Kingdom		 25 July 1997 (a)		25 July 1997		
United Republic of Tanzania		 30 September 1985		25 June 1998		
United States of America						 21 August 1996

State or entity <i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (not yet in force)	
	Signature  (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature 	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); ^{1/} simplified procedure (sp); ^{2/}	Signature  (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
Uruguay	☐	☐10 December 1992			☐	☐10 September 1999
Uzbekistan						
Vanuatu		10 August 1999		10 August 1999(p)		
Venezuela						
Viet Nam		☐25 July 1994				
Yemen	☐	☐21 July 1987				
Yugoslavia ⁴		☐5 May 1986		28 July 1995 (sp)		
Zambia		7 March 1983		28 July 1995 (sp)		
Zimbabwe		24 February 1993		28 July 1995 (sp)		
TOTALS	158 (☐35)	135 (☐48)	79	100	59 (☐5)	28 (☐6)

^{4/} Reflects the status as at 31 October 2000. The Federal Republic of Yugoslavia was admitted to the United Nations membership on 1 November 2000.

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 30 November 2000

(a) The Convention

1. Fiji (10 December 1982)
2. Zambia (7 March 1983)
3. Mexico (18 March 1983)
4. Jamaica (21 March 1983)
5. Namibia (18 April 1983)
6. Ghana (7 June 1983)
7. Bahamas (29 July 1983)
8. Belize (13 August 1983)
9. Egypt (26 August 1983)
10. Côte d'Ivoire (26 March 1984)
11. Philippines (8 May 1984)
12. Namibia (22 May 1984)
13. Cuba (15 August 1984)
14. Senegal (25 October 1984)
15. Sudan (23 January 1985)
16. Saint Lucia (27 March 1985)
17. Togo (16 April 1985)
18. Tunisia (24 April 1985)
19. Bahrain (30 May 1985)
20. Iceland (21 June 1985)
21. Mali (16 July 1985)
22. Iraq (30 July 1985)
23. Guinea (6 September 1985)
24. United Republic of Tanzania (30 September 1985)
25. Cameroon (19 November 1985)
26. Indonesia (3 February 1986)
27. Trinidad and Tobago (25 April 1986)
28. Kuwait (2 May 1986)
29. Yugoslavia (5 May 1986)
30. Nigeria (14 August 1986)
31. Guinea-Bissau (25 August 1986)
32. Paraguay (26 September 1986)
33. Yemen (21 July 1987)
34. Cape Verde (10 August 1987)
35. Sao Tome and Principe (3 November 1987)
36. Cyprus (12 December 1988)
37. Brazil (22 December 1988)
38. Antigua and Barbuda (2 February 1989)
39. Democratic Republic of the Congo (17 February 1989)
40. Kenya (2 March 1989)
41. Somalia (24 July 1989)
42. Oman (17 August 1989)
43. Botswana (2 May 1990)
44. Uganda (9 November 1990)
45. Angola (5 December 1990)
46. Grenada (25 April 1991)
47. Micronesia (Federated States of) (29 April 1991)
48. Marshall Islands (9 August 1991)
49. Seychelles (16 September 1991)
50. Djibouti (8 October 1991)
51. Dominica (24 October 1991)
52. Costa Rica (21 September 1992)
53. Uruguay (10 December 1992)
54. Saint Kitts and Nevis (7 January 1993)
55. Zimbabwe (24 February 1993)
56. Malta (20 May 1993)
57. Saint Vincent and the Grenadines (1 October 1993)
58. Honduras (5 October 1993)
59. Barbados (12 October 1993)
60. Guyana (16 November 1993)
61. Bosnia and Herzegovina (12 January 1994)
62. Comoros (21 June 1994)
63. Sri Lanka (19 July 1994)
64. Viet Nam (25 July 1994)
65. The former Yugoslav Republic of Macedonia (19 August 1994)
66. Australia (5 October 1994)
67. Germany (14 October 1994)
68. Mauritius (4 November 1994)
69. Singapore (17 November 1994)
70. Sierra Leone (12 December 1994)
71. Lebanon (5 January 1995)
72. Italy (13 January 1995)
73. Cook Islands (15 February 1995)
74. Croatia (5 April 1995)
75. Bolivia (28 April 1995)
76. Slovenia (16 June 1995)
77. India (29 June 1995)
78. Austria (14 July 1995)
79. Greece (21 July 1995)
80. Tonga (2 August 1995)
81. Samoa (14 August 1995)
82. Jordan (27 November 1995)
83. Argentina (1 December 1995)
84. Nauru (23 January 1996)
85. Republic of Korea (29 January 1996)

86. Monaco (20 March 1996)
87. Georgia (21 March 1996)
88. France (11 April 1996)
89. Saudi Arabia (24 April 1996)
90. Slovakia (8 May 1996)
91. Bulgaria (15 May 1996)
92. Myanmar (21 May 1996)
93. China (7 June 1996)
94. Algeria (11 June 1996)
95. Japan (20 June 1996)
96. Czech Republic (21 June 1996)
97. Finland (21 June 1996)
98. Ireland (21 June 1996)
99. Norway (24 June 1996)
100. Sweden (25 June 1996)
101. Netherlands (28 June 1996)
102. Panama (1 July 1996)
103. Mauritania (17 July 1996)
104. New Zealand (19 July 1996)
105. Haiti (31 July 1996)
106. Mongolia (13 August 1996)
107. Palau (30 September 1996)
108. Malaysia (14 October 1996)
109. Brunei Darussalam (5 November 1996)
110. Romania (17 December 1996)
111. Papua New Guinea (14 January 1997)
112. Spain (15 January 1997)
113. Guatemala (11 February 1997)
114. Pakistan (26 February 1997)
115. Russian Federation (12 March 1997)
116. Mozambique (13 March 1997)
117. Solomon Islands (23 June 1997)
118. Equatorial Guinea (21 July 1997)
119. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
120. Chile (25 August 1997)
121. Benin (16 October 1997)
122. Portugal (3 November 1997)
123. South Africa (23 December 1997)
124. Gabon (11 March 1998)
125. European Community (1 April 1998)
126. Lao People's Democratic Republic (5 June 1998)
127. Suriname (9 July 1998)
128. Nepal (2 November 1998)
129. Belgium (13 November 1998)
130. Poland (13 November 1998)
131. Ukraine (26 July 1999)
132. Vanuatu (10 August 1999)
133. Nicaragua (3 May 2000)
134. Maldives (7 September 2000)
135. Luxembourg (5 October 2000)

(b) Agreement relating to the implementation of Part XI of the Convention

1. Kenya (29 July 1994)
2. The former Yugoslav Republic of Macedonia (19 August 1994)
3. Australia (5 October 1994)
4. Germany (14 October 1994)
5. Belize (21 October 1994)
6. Mauritius (4 November 1994)
7. Singapore (17 November 1994)
8. Sierra Leone (12 December 1994)
9. Seychelles (15 December 1994)
10. Lebanon (5 January 1995)
11. Italy (13 January 1995)
12. Cook Islands (15 February 1995)
13. Croatia (5 April 1995)
14. Bolivia (28 April 1995)
15. Slovenia (16 June 1995)
16. India (29 June 1995)
17. Paraguay (10 July 1995)
18. Austria (14 July 1995)
19. Greece (21 July 1995)
20. Senegal (25 July 1995)
21. Cyprus (27 July 1995)
22. Bahamas (28 July 1995)
23. Barbados (28 July 1995)
24. Côte d'Ivoire (28 July 1995)
25. Fiji (28 July 1995)
26. Grenada (28 July 1995)
27. Guinea (28 July 1995)
28. Iceland (28 July 1995)
29. Jamaica (28 July 1995)
30. Namibia (28 July 1995)
31. Nigeria (28 July 1995)
32. Sri Lanka (28 July 1995)
33. Togo (28 July 1995)
34. Trinidad and Tobago (28 July 1995)
35. Uganda (28 July 1995)
36. Yugoslavia (28 July 1995)
37. Zambia (28 July 1995)
38. Zimbabwe (28 July 1995)
39. Tonga (2 August 1995)
40. Samoa (14 August 1995)
41. Micronesia (Federated States of) (6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)

47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (30 September 1996)
69. Malaysia (14 October 1996)
70. Brunei Darussalam (5 November 1996)
71. Romania (17 December 1996)
72. Papua New Guinea (14 January 1997)
73. Spain (15 January 1997)
74. Guatemala (11 February 1997)
75. Oman (26 February 1997)
76. Pakistan (26 February 1997)
77. Russian Federation (12 March 1997)
78. Mozambique (13 March 1997)
79. Solomon Islands (23 June 1997)
80. Equatorial Guinea (21 July 1997)
81. Philippines (23 July 1997)
82. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
83. Chile (25 August 1997)
84. Benin (16 October 1997)
85. Portugal (3 November 1997)
86. South Africa (23 December 1997)
87. Gabon (11 March 1998)
88. European Community (1 April 1998)
89. Lao People's Democratic Republic (5 June 1998)
90. United Republic of Tanzania (25 June 1998)
91. Suriname (9 July 1998)
92. Nepal (2 November 1998)
93. Belgium (13 November 1998)
94. Poland (13 November 1998)
95. Ukraine (26 July 1999)
96. Vanuatu (10 August 1999)
97. Nicaragua (3 May 2000)
98. Indonesia (2 June 2000)
99. Maldives (7 September 2000)
100. Luxembourg (5 October 2000)

(c) Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)
10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of) (23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)
26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. Luxembourg (5 October 2000)

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

A. United Nations General Assembly resolutions of interest

1. General Assembly resolution 55/7 of 30 October 2000:

Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/31 and 54/33 of 24 November 1999 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea¹ (“the Convention”) on 16 November 1994,

Recalling also its resolution 2749 (XXV) of 17 December 1970, and considering that the Convention, together with the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982² (“the Agreement”), provides the regime to be applied to the Area and its resources, as defined in the Convention,

Emphasizing the universal and unified character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,³

Conscious of the importance of increasing the number of States parties to the Convention and the Agreement in order to achieve the goal of universal participation,

Conscious also that the problems of ocean space are closely interrelated and need to be considered as a whole,

¹ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

² Resolution 48/263, annex.

³ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

Convinced of the need, building on arrangements established in accordance with the Convention, to improve coordination at the national level and cooperation and coordination at both intergovernmental and inter-agency levels, in order to address all aspects of oceans and seas in an integrated manner,

Recognizing the important role that the competent international organizations have in relation to ocean affairs and in implementing the Convention and in promoting sustainable development of the oceans and seas and their resources,

Taking note of the report⁴ of the Secretary-General, and reaffirming the importance of the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Taking note also of the outcome⁵ of the first meeting of the United Nations Open-ended Informal Consultative Process (“the Consultative Process”), established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs,

Mindful of the importance of the oceans and seas for the earth’s ecosystem and for providing the vital resources for food security and for sustaining economic prosperity and the well-being of present and future generations,

Bearing in mind the contribution that major groups, as identified in Agenda 21, can make to raising awareness of the goal of the sustainable development of the oceans and seas and their resources,

Underlining the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, have the ability both to implement the Convention and to benefit from the sustainable development of their marine resources, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Expressing serious concern at the increase in illegal, unreported and unregulated fishing, and recognizing the importance of strengthening cooperation to combat such activities, particularly through the relevant regional fisheries management organizations and arrangements,

Recalling that the role of international cooperation and coordination on a bilateral basis and, where applicable, within a subregional, interregional, regional or global framework is to support and supplement national efforts of coastal States to promote the integrated management and sustainable development of coastal and marine areas,

Expressing its deep concern at the degradation of the marine environment, particularly from land-based activities, and emphasizing the need for international cooperation and for a coordinated approach at the national level to this problem, bringing together the many different economic sectors involved and protecting the ecosystems, and, in this context, reaffirming the importance of ensuring full

⁴ A/55/61.

⁵ A/55/274.

implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,

Reiterating its concern at the degradation of the marine environment as a result of pollution from ships, in particular through the illegal release of oil and other harmful substances, and as a result of pollution by dumping of hazardous waste, including radioactive materials, nuclear waste and dangerous chemicals,

Recalling the importance of marine science in promoting the sustainable management of the oceans and seas, including in the assessment, conservation, management and sustainable use of fish stocks,

Emphasizing the need to ensure access of decision makers to advice and information on marine science and technology, as well as to the transfer of technology and support for the production and diffusion of factual information and knowledge for end-users, as appropriate,

Expressing concern once again at the continuing threat from piracy and armed robbery at sea, and, in this context, noting the letter from the Secretary-General of the International Maritime Organization to the Secretary-General of the United Nations⁶ drawing attention to the increasing number and seriousness of incidents of piracy and armed robbery at sea,

Reaffirming the importance of enhancing the safety of navigation as well as the necessity for cooperation in this regard,

Emphasizing the importance of the protection of the underwater cultural heritage, and recalling in this context the provisions of article 303 of the Convention,¹

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 and 52/26, and in this context the expected increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat in view of the progress in the work of the Commission on the Limits of the Continental Shelf (“the Commission”) and the anticipated receipt of submissions from States,

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement;
2. *Reaffirms* the unified character of the Convention;
3. *Calls upon* States to harmonize as a matter of priority their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention are in conformity therewith and otherwise to withdraw any of their declarations or statements that are not in conformity;

⁶ A/55/311, annex.

4. *Encourages* States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

5. *Urges* the international community to assist, as appropriate, developing countries, in particular, least developed countries and small island developing States, in the acquisition of data and the preparation of charts or lists of geographical coordinates for publication under articles 16, 22, 47, 75 and 84 of the Convention and in the preparation of information under article 76 of the Convention and its annex II;

6. *Requests* the Secretary-General to convene the eleventh Meeting of States Parties to the Convention in New York from 14 to 18 May 2001 and to provide the services required;

7. *Notes with satisfaction* the continued contribution of the International Tribunal for the Law of the Sea (“the Tribunal”) to the peaceful settlement of disputes in accordance with Part XV of the Convention, underlines its important role and authority concerning the interpretation or application of the Convention and the Agreement, encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States to note the provisions of annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

8. *Recalls* the obligations of parties to cases before a court or a tribunal referred to in article 287 of the Convention to ensure prompt compliance with the decisions rendered by such court or tribunal;

9. *Requests* the Secretary-General to establish a voluntary trust fund to assist States in the settlement of disputes through the Tribunal, and to report annually to the Meeting of States Parties to the Convention on the status of the fund;⁷

10. *Invites* States, intergovernmental organizations, national institutions, non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the fund;

11. *Encourages* States that have not yet done so to nominate conciliators and arbitrators in accordance with annexes V and VII to the Convention, and requests the Secretary-General to continue to update and circulate lists of these conciliators and arbitrators on a regular basis;

12. *Welcomes* the adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area⁸ by the Assembly of the International Seabed Authority (“the Authority”) on 13 July 2000, and notes with satisfaction that the Authority is now in a position to proceed to issue contracts to

⁷ Terms of reference are contained in annex I to the present resolution.

⁸ ISBA/6/A/18.

the registered pioneer investors in accordance with the Convention, the Agreement and those Regulations;

13. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and the Tribunal in full and on time, and appeals also to all former provisional members of the Authority to pay any outstanding contributions;

14. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal⁹ and to the Protocol on the Privileges and Immunities of the Authority;¹⁰

15. *Notes* the continuing progress in the work of the Commission, including the successful open meeting on 1 May 2000¹¹ aimed at assisting States in implementing the provisions of the Convention related to the establishment of the outer limits of the continental shelf beyond 200 nautical miles and facilitating the preparation of submissions to the Commission by coastal States regarding the outer limits of their continental shelf;

16. *Notes also* that the Commission has issued a basic flowchart on the preparation of submissions¹² and has adopted, in outline, a five-day training course on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and for the preparation of submissions,¹³ and encourages concerned States and relevant international organizations and institutions to consider further developing and making available such training courses;

17. *Recalls* that under article 4 of annex II to the Convention, a State intending to establish the outer limits of its continental shelf beyond 200 nautical miles is to submit particulars of such limits to the Commission within ten years of the entry into force of the Convention for that State;

18. *Requests* the Secretary-General to establish a voluntary trust fund to provide training for technical and administrative staff, and technical and scientific advice, as well as personnel, to assist developing States, in particular the least developed countries and small island developing States, for the purpose of desktop studies and project planning, and preparing and submitting information under article 76 and annex II to the Convention in accordance with the procedures of the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf, and to report annually to the General Assembly on the status of the fund;¹⁴

19. *Invites* States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions

⁹ SPLOS/25.

¹⁰ ISBA/4/A/8, annex.

¹¹ CLCS/26.

¹² CLCS/22.

¹³ CLCS/24.

¹⁴ Terms of reference are contained in annex II to the present resolution.

as well as natural and juridical persons to make voluntary financial or other contributions to the fund;

20. *Requests* the Secretary-General to establish a voluntary trust fund for the purpose of defraying the cost of participation¹⁵ of the members of the Commission from developing States in the meetings of the Commission, and invites States to contribute to the fund;

21. *Approves* the convening by the Secretary-General of the ninth session of the Commission in New York from 21 to 25 May 2001 and a tenth session starting on 27 August 2001 of a duration of three weeks in the event of a submission having been filed, or of one week, if necessary, depending on the workload of the Commission;

22. *Calls upon* bilateral and multilateral donor agencies to keep their programmes under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical capacities and skills necessary for the full implementation of the Convention and the sustainable development of the oceans and seas and their resources, nationally, regionally and globally, and in doing so to bear in mind the rights of landlocked developing States;

23. *Requests* the Secretary-General, in cooperation with the competent international organizations and programmes, including the Food and Agriculture Organization of the United Nations, the International Labour Organization, the International Hydrographic Organization, the International Maritime Organization, the United Nations Development Programme, the United Nations Industrial Development Organization, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Conference on Trade and Development, the World Meteorological Organization and the World Bank, as well as representatives of regional development banks and the donor community, to review the efforts taking place to build capacity as well as to identify the duplications that need to be avoided and the gaps that may need to be filled for ensuring consistent approaches, both nationally and regionally, with a view to implementing the Convention, and to include a section on this subject in his annual report on oceans and the law of the sea;

24. *Urges* States to continue the development of an international plan of action on illegal, unregulated and unreported fishing for the Food and Agriculture Organization of the United Nations, as a matter of priority, and, in this context, recognizes the central role that regional and subregional fisheries organizations and arrangements will have in addressing this issue;¹⁶

25. *Emphasizes* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment, including

¹⁵ Covering both travel expenses and daily subsistence allowance.

¹⁶ See resolution 55/8 on Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments.

coastal areas, and its living marine resources against pollution and physical degradation;

26. *Acknowledges* the need to build national capacity for the integrated management of the coastal zone and for the protection of its ecosystem, and invites relevant parts of the United Nations system to promote these aims, including through the provision of the training and institutional support needed to achieve them;

27. *Calls upon* States to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and local Agenda 21 programmes, in an integrated and inclusive manner, as a means of enhancing their support for the Global Programme of Action, and calls for their active collaboration to ensure that the 2001 intergovernmental review will enhance the implementation of the Global Programme of Action;

28. *Calls upon* United Nations agencies and programmes identified in General Assembly resolution 51/189 of 16 December 1996 to fulfil their roles in support of the Global Programme of Action and to provide information to Governments for their consideration at the 2001 intergovernmental review of the Global Programme of Action and to the Secretary-General for his annual report on oceans and the law of the sea on their action in this regard and on other steps which could be taken to protect the marine environment;

29. *Invites* the United Nations Environment Programme and the World Bank, as part of the preparations for 2001 review of the Global Programme of Action, to consult with Governments, representatives of the private sector, financial institutions and bilateral and multilateral donor agencies to review their involvement in the implementation of the Global Programme of Action and to consider, inter alia, what international support is needed to help overcome the obstacles to the preparation and implementation of national and local action programmes and how they can participate actively in partnership-building with developing countries for the transfer of the requisite technology in accordance with the Convention and taking into account the relevant parts of Agenda 21, capacity-building and funding for the implementation of the Global Programme of Action;

30. *Emphasizes* the importance of ensuring that adverse impacts on the marine environment are taken into account when assessing and evaluating development programmes and projects;

31. *Urges* States to take all practicable steps, in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, to prevent pollution of the marine environment from ships and, in accordance with the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter,¹⁷ to prevent pollution of the marine environment by dumping, and further calls upon States to become parties to and to implement the 1996 Protocol to the 1972 Convention;¹⁸

¹⁷ United Nations, *Treaty Series*, vol. 1046, No. 15749.

¹⁸ IMO/LC.2/Circ.380.

32. *Stresses* the need to consider as a matter of priority the issues of marine science and technology and to focus on how best to implement the many obligations of States and competent international organizations under Parts XIII and XIV of the Convention, and calls upon States to adopt, as appropriate and in accordance with international law, the necessary national laws, regulations, policies and procedures to promote and facilitate marine scientific research and cooperation;

33. *Urges* all States, in particular coastal States, in affected regions to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional cooperation, and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

34. *Calls upon* States, in this context, to cooperate fully with the International Maritime Organization, including by submitting reports on incidents to the organization and by implementing the International Maritime Organization guidelines on preventing attacks of piracy and armed robbery;

35. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,¹⁹ and to ensure its effective implementation;

36. *Notes* the continued work of the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention, relating to the protection of the underwater cultural heritage, and re-emphasizes the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of the Convention;

37. *Invites* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in resolution 35/116 of 10 December 1980 and to support the training activities under the TRAIN-SEA-COAST Programme of the Division for Ocean Affairs and the Law of the Sea;

38. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea,⁴ prepared by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28, 52/26 and 54/33;

39. *Requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure that appropriate resources are made available to the Division for Ocean Affairs and the Law of the Sea for the performance of such responsibilities under the approved budget for the Organization;

¹⁹ International Maritime Organization publication, Sales No. 462.88.12E.

40. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, taking into account resolution 54/33 establishing the Consultative Process to facilitate the review of developments in ocean affairs, and requests the Secretary-General to convene the second meeting of the Consultative Process, to be held in New York from 7 to 11 May 2001;

41. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its second meeting, the Consultative Process should organize its discussions around the following areas of focus:

(a) Marine science and the development and transfer of marine technology as mutually agreed, including capacity-building in this regard;

(b) Coordination and cooperation in combating piracy and armed robbery at sea.

42. *Requests* the Secretary-General to ensure more effective collaboration and coordination between the relevant parts of the United Nations Secretariat and the United Nations as a whole, in particular in ensuring the effectiveness, transparency and responsiveness of the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination, and also requests the Secretary-General to include in his report suggestions on initiatives to improve coordination, in accordance with resolution 54/33, and encourages all United Nations bodies to help this process by drawing to the attention of the Secretariat and the Subcommittee those areas of their work which may, directly or indirectly, affect the work of other United Nations bodies;

43. *Also requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies and funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, and the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination, drawing their attention to paragraphs of particular relevance to them, and underlines the importance of their input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

44. *Invites* the competent international organizations, as well as funding institutions, to take specific account of the present resolution in their programmes and activities, and to contribute to the preparation of the comprehensive report of the Secretary-General on oceans and the law of the sea;

45. *Requests* the Secretary-General to establish a voluntary trust fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and invites States to contribute to this fund;

46. *Also requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to provide the report in accordance with the modalities set out in resolution 54/33;

47. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled “Oceans and the law of the sea”.

Annex I

International Tribunal for the Law of the Sea Trust Fund

Terms of reference

Reasons for establishing the Trust Fund

1. Part XV of the United Nations Convention on the Law of the Sea (“the Convention”) provides for the settlement of disputes. In particular, article 287 specifies that States are free to choose one or more of the following means:

- (a) The International Tribunal for the Law of the Sea;
- (b) The International Court of Justice;
- (c) An arbitral tribunal;
- (d) A special arbitral tribunal.

2. The Secretary-General already operates a Trust Fund for the International Court of Justice (see A/47/444). The Permanent Court of Arbitration has established a Financial Assistance Fund. The burden of costs should not be a factor for States, in making the choices under article 287, in deciding whether a dispute should be submitted to the Tribunal, or in deciding upon the response to an application made to the Tribunal by others. For these reasons, it was decided to create a Trust Fund for the International Tribunal for the Law of the Sea (“the Tribunal”).

Object and purpose of the Trust Fund

3. This Trust Fund (“the Fund”) is established by the Secretary-General in accordance with General Assembly resolution XXX and pursuant to the Agreement on Cooperation and Relationship between the United Nations and the Tribunal of 18 December 1997 (General Assembly resolution 52/251, annex).

4. The purpose of the Fund is to provide financial assistance to States parties to the Convention for expenses incurred in connection with cases submitted, or to be submitted, to the Tribunal, including its Seabed Disputes Chamber and any other Chamber.

5. Assistance, which will be provided in accordance with the following terms and conditions, should only be provided in appropriate cases, principally those proceeding to the merits where jurisdiction is not an issue, but in exceptional circumstances may be provided for any phase of the proceedings.

Contributions to the Fund

6. The Secretary-General invites States, intergovernmental organizations, national institutions, non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Fund.

Application for assistance

7. An application for assistance from the Fund may be submitted by any State party to the Convention. The application should describe the nature of the case

which is to be, or has been, brought by or against the State concerned and should provide an estimate of the costs for which financial assistance is requested. The application should contain a commitment to supply a final statement of account of the expenditures made from approved amounts, to be certified by an auditor acceptable to the United Nations.

Panel of experts

8. The Secretary-General will establish a panel of experts, normally three persons of the highest professional standing, to make recommendations on each request. The task of each panel is to examine the application and to recommend to the Secretary-General the amount of the financial assistance to be given, the phase or phases of the proceedings in respect of which assistance is to be given and the types of expenses for which the assistance may be used.

Granting of assistance

9. The Secretary-General will provide financial assistance from the Fund on the basis of the recommendations of the panel of experts. Payments will be made against receipts showing expenditures made in respect of approved costs. The latter may include:

- (a) Preparing the application and the written pleadings;
- (b) Professional fees of counsel and advocates for written and oral pleadings;
- (c) Travel and expenses of legal representation in Hamburg during the various phases of a case;
- (d) Execution of an Order of Judgment of the Tribunal, such as marking a boundary in the territorial sea.

Application of the Financial Regulations and Rules of the United Nations

10. The Financial Regulations and Rules of the United Nations will apply to the administration of the Fund, including the procedures for audit.

Reporting

11. An annual report on the activities of the Fund, including details of the contributions to and disbursements from the Fund, will be made to the Meeting of States Parties to the Convention.

Implementing office

12. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs is the implementing office for this Fund and provides the services for the operation of the Fund.

Offers of professional assistance

13. The implementing office also maintains a list of offers of professional assistance which may be made on a reduced fee basis by suitably qualified persons or bodies. If an applicant for assistance so requests, the implementing office will make the list of offers available to it for its consideration and decision; both financial and other assistance may be extended in respect of the same case or phase thereof.

Revision

14. The General Assembly may revise the above if circumstances so require.

Annex II

Trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea

Terms of reference, guidelines and rules

1. Reasons for establishing the Trust Fund

1. Promoting and developing the marine scientific and technological capacity of developing States, in particular the least developed countries and small island States, with a view to accelerating their social and economic development, is essential for the effective implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”).

2. Coastal States intending to establish the outer limits of their continental shelf beyond 200 nautical miles from the baseline from which the breadth of their territorial sea is measured are required by article 76 of the Convention to submit the relevant data and information to the Commission on the Limits of the Continental Shelf (“the Commission”). In accordance with article 4 of annex II to the Convention, the particulars of such limits should be submitted to the Commission within ten years of the entry into force of the Convention for that State. For some States a submission should be made by 16 November 2004.

3. Developing States, in particular the least developed countries and small island developing States, may face difficulties in complying with the time limit for submissions to the Commission. The Trust Fund is intended to assist these States in complying with the requirements relating to a submission to the Commission.

4. Under article 3, paragraph 1 (b), of annex II to the Convention, the Commission may provide scientific and technical advice, if requested by the coastal States concerned, during the preparation of the data to be submitted in accordance with article 76.

5. The Commission has adopted an outline for a five-day training course in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines. The course is to be developed and delivered by interested Governments, international organizations and institutions which possess the necessary expertise and facilities. The Commission has likewise prepared a basic flow chart illustrating the preparation of submissions by coastal States.

6. The delineation of the continental shelf of a coastal State in accordance with article 76 and annex II to the Convention and annex II of the Final Act of the Third United Nations Conference on the Law of the Sea (“the Final Act”) requires a programme for hydrographic and geoscientific surveying and mapping of the continental margin. The complexity and scale, and hence the costs involved, of such a programme will vary greatly from State to State according to the different geographical and geophysical circumstances. A first approach will always involve an assessment of the particular case at hand, followed by planning of appropriate projects for further data acquisition. Such projects require the contracting of high-

level scientific/technical expertise and modern technology. By nature, the costs involved in such data acquisition projects are substantial. In addition to contributing to the Voluntary Fund herein established, the international community should make every effort to facilitate the full implementation of article 76 both financially and in any other possible way or capacity.

7. The initial assessment and the project planning itself will require qualifications in hydrography and geosciences in addition to a full understanding of the relevant provisions of the Convention. The final preparation of a submission to the Commission also requires high-level expertise in geosciences and hydrography.

8. The United Nations has extensive experience in providing assistance to countries for their industrial and economic development. This experience could be extended and utilized to assist States in implementing their rights and obligations under article 76 of the Convention.

2. Objects and purpose of the Trust Fund

9. The Secretary-General, under the Financial Regulations and Rules of the United Nations, establishes the present Trust Fund (“the Fund”). The object of the Fund is to enable developing States, in particular the least developed coastal countries and small island developing States, to make an initial assessment of their particular case, make appropriate plans for further investigations and data acquisition, and to prepare the final submission documents when the necessary data have been acquired.

10. The data acquisition campaigns themselves are not the object of the Fund.

11. An initial assessment of the nature of the continental shelf of a coastal State is often made in the form of a desktop study, which is a review and compilation of all existing data and information. Decisions for further action and/or planning for further data acquisition and mapping projects will be based on such a study.

12. The purpose of the Fund is to provide, in accordance with the terms and conditions specified in the Financial Regulations and Rules of the United Nations:

(a) Training to the appropriate technical and administrative staff of the coastal State in question, in order to enable them to perform initial desktop studies and project planning, or at least to take full part in these activities;

(b) Funds for such studies and planning activities, including funds for advisory/consultancy assistance if needed.

13. The preparation of the final submission documents will have to meet the requirements of article 76 and annex II to the Convention (and for some States, annex II of the Final Act) and the Scientific and Technical Guidelines of the Commission. The training should take this into account and aim at enabling the State’s personnel also to prepare most of these documents themselves. The preparation of the submission may induce costs that may be met by funds from the Fund (e.g. software and hardware equipment, technical assistance, etc.).

3. Contributions to the Fund

14. The Secretary-General invites States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions as well as natural and juridical persons to make voluntary financial or other contributions to the Fund.

4. Application for financial assistance

15. An application for financial assistance from the Fund may be submitted by any developing State, in particular the least developed countries and small island developing States, who are Members of the United Nations and party to the Convention.

16. The purpose of the financial assistance applied for should be specified. Financial assistance may be sought for the following purposes:

- (a) Training of technical and administrative staff;
- (b) Desktop study or other means to make an initial assessment of the nature of the continental shelf and its limits;
- (c) Working out plans for the acquisition of necessary additional data and mapping projects;
- (d) Preparation of final submission documents;
- (e) Advisory/consultancy assistance related to the above points.

17. Detailed information under each of these purposes should be provided as follows:

(a) *Training of technical and administrative staff*

The application shall be accompanied by:

- (i) A specification of the goal of the training and which positions the trainees are intended to fill afterwards;
- (ii) Information on the training institute(s) in question;
- (iii) A copy of the training course(s);
- (iv) The curriculum vitae of the trainees;
- (v) An itemized statement of the estimated costs for which assistance is requested.

(b) *Desktop study or other means to make an assessment of the nature of the continental shelf and its limits*

The application shall be accompanied by:

- (i) A short description of the aim of the study;
- (ii) An overview map of the area in question;
- (iii) An overview, as complete as possible, of the database already available to the State;
- (iv) An outline of how the work will be done and what tools are available (software and hardware);

(v) A specification of what will be done by the State's own staff, and what will be contracted for;

(vi) An itemized statement of the estimated costs for which assistance is requested.

(c) *Working out plans for the acquisition of necessary additional data and mapping projects*

The application shall be accompanied by:

(i) A summary of the status of knowledge of the continental margin, preferably based on a previous desktop study;

(ii) A preliminary assessment of the needs for specific additional data and/or information in accordance with the requirements of article 76 and annex II to the Convention, and annex II of the Final Act;

(iii) An itemized statement of the estimated costs for which assistance is requested.

(d) *Preparation of final submission documents*

The application shall be accompanied by:

(i) A specification of what kind of assistance is needed;

(ii) An itemized statement of the estimated costs for which assistance is requested.

(e) *Advisory/consultancy assistance related to the above points*

The application shall be accompanied by:

(i) A copy of the contract between the Government and the technical or scientific expert in question;

(ii) An itemized statement of the costs for which assistance is requested.

18. In all these cases the application shall be accompanied by an undertaking that the requesting State shall supply a final statement of account providing details of the expenditures made from the approved amounts, to be certified by an auditor acceptable to the United Nations.

5. Consideration of applications

19. Each request for financial assistance shall be considered by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs ("the Division"), which acts as the secretariat of the Commission.

20. The Division may engage an independent panel of experts of the highest moral standing to assist in the examination of applications on the basis of section 4 above and to recommend the amount of financial assistance to be given. However, no sitting Commission member should serve on this panel of experts. The Division shall prepare and circulate to member States a list of prospective members of the panel of experts. Any member of the expert panel opposed by a member State should not be included in the panel. The Division shall on an annual basis provide a list of the panel of experts as an annex to the Secretary-General's annual report.

21. In considering the application, the Division shall be guided solely by the financial needs of the requesting developing State and availability of funds with priority given to least developed countries and small island developing States taking into account the imminence of pending deadlines.

22. Travel expenses and subsistence allowance are payable to independent experts engaged by the Division to consider applications.

6. Granting of assistance

23. The Secretary-General will provide financial assistance from the Fund on the basis of the evaluation and recommendations of the Division. Payments will be made against receipts evidencing actual expenditures for approved costs.

7. Application of article 5 of annex II to the Convention

24. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the subcommission dealing with that submission but has the right to participate as a member in the proceedings of the Commission concerning the said submission. In an effort to promote transparency and to give full effect to article 5 of annex II to the Convention there should be full disclosure by Commission members, trust fund recipients and training sponsors to the Division of any pre-submission contacts.

8. Reporting requirements for full disclosure

25. Interested Governments, international organizations and institutions who provide any training for which any costs are reimbursed by this Fund are strongly encouraged to provide the complete list of participants to the Division.

26. Commission members who participate in any activities pursuant to this Fund shall disclose this information to the Division.

27. Upon submission to the Commission of its information on the limits of its continental shelf pursuant to article 76 of the Convention, a coastal State that has received assistance from this Fund shall disclose this information, including the involvement of any Commission members.

9. Application of the Financial Regulations and Rules of the United Nations

28. The Financial Regulations and Rules of the United Nations shall apply to the administration of the Fund. The Fund shall be subject to the auditing procedures provided therein.

10. Reporting to the General Assembly

29. An annual report on the activities of the Fund, including details of the contributions to and disbursements from the Fund, will be made to the General Assembly.

11. Implementing office

30. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs is the implementing office for the Fund and will provide the services required for the operation of the Fund.

12. Revision

31. The General Assembly may revise the above if circumstances so require.

2. General Assembly resolution 55/8 of 30 October 2000:

Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995, 51/36 of 9 December 1996, 52/29 of 26 November 1997 and 53/33 of 24 November 1998, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments,

Welcoming the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries adopted by the Food and Agriculture Organization of the United Nations Ministerial Meeting on Fisheries in March 1999,

Noting that the Code of Conduct for Responsible Fisheries sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Recognizing that coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training are crucial for the conservation, management and sustainable development of marine living resources,

Noting the conclusion of negotiations to establish new regional organizations and arrangements in several heretofore unmanaged fisheries, in particular the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Convention on the Conservation and Management of Fishery Resources in the South-east Atlantic Ocean, and highlighting that these agreements were concluded pursuant to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,¹

Noting also the adoption by the States members of the Permanent Commission for the South-east Pacific of the Framework Agreement for the Conservation of Living Marine Resources in High Seas of the South-east Pacific,

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

¹ A/CONF.164/37; see also A/50/550, annex I.

Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, and noting with concern that neither of these agreements has yet entered into force,

Noting with satisfaction that the Committee on Fisheries of the Food and Agriculture Organization of the United Nations in February 1999 adopted international plans of action for the management of fishing capacity, for reducing the incidental catch of seabirds in longline fisheries and for the conservation and management of sharks,

Taking note with appreciation of the report of the Secretary-General,² and emphasizing the useful role that the report plays in bringing together information relating to the sustainable development of the world's marine living resources provided by States, relevant international organizations, regional and subregional fisheries organizations and non-governmental organizations,

Noting with satisfaction that, while significant work remains to be done, interested parties have made real progress towards sustainable fisheries management,

Noting that while there has been generally a marked decrease in the reporting of large-scale pelagic drift-net fishing activities in most regions of the world's oceans and seas, large-scale pelagic drift-net fishing remains a threat to marine living resources in some areas,³

Expressing its continuing concern that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift-nets that contravene the resolution,

Noting with concern that unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing remains as one of the most severe problems currently affecting world fisheries and the sustainability of living marine resources, and noting also that unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing has a detrimental impact on the food security and the economies of many States, particularly developing States,

Noting the significance of the work being undertaken under the aegis of the Food and Agriculture Organization of the United Nations to develop a comprehensive international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing, involving consideration of the range of possibilities for action in accordance with international law, and acknowledging the work done by certain regional fisheries organizations,

Welcoming the efforts in the Food and Agriculture Organization of the United Nations to address the causes of illegal, unreported and unregulated fishing, through a comprehensive and integrated approach, involving all relevant States and regional and subregional fisheries management organizations and arrangements, to

² A/55/386.

³ *Ibid.*, paras. 12-64.

the deterrence of illegal, unreported and unregulated fishing which encourages all States to take, to the greatest extent possible, measures or to cooperate to ensure that their nationals, in accordance with article 117 of the United Nations Convention on the Law of the Sea,⁴ and vessels flying their flag do not support or engage in illegal, unreported and unregulated fishing,

Welcoming also the cooperation being undertaken with the International Labour Organization and other relevant international organizations in the joint Ad Hoc Working Group on combating illegal, unreported and unregulated fishing of the Food and Agriculture Organization of the United Nations and the International Maritime Organization,

Recognizing the need for the International Maritime Organization, the Food and Agriculture Organization of the United Nations and regional and subregional fisheries management organizations and arrangements to address the issue of marine debris derived from land-based and ship-generated sources of pollution, including derelict fishing gear, which can cause mortality and habitat destruction of living marine resources,

Expressing concern at the significant level of by-catch and discards in several of the world's commercial fisheries, and recognizing that the development and use of selective, environmentally safe and cost-effective fishing gear and techniques will be important for reducing by-catch and discards,

Expressing concern also at the reports of continued loss of seabirds, particularly albatross, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks and fin-fish species, as a result of incidental mortality, and noting the recent initiative to develop a convention for the protection of southern hemisphere albatrosses and petrels,

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the United Nations Convention on the Law of the Sea,⁴ in particular the provisions on cooperation set out in part V and part VII, section 2, of the Convention regarding straddling stocks, highly migratory species, marine mammals, anadromous stocks and marine living resources of the high seas;

2. *Also reaffirms* the importance it attaches to compliance with its resolutions 46/215, 49/116, 49/118, 50/25, 52/29 and 53/33, and urges States and other entities to enforce fully the measures recommended in those resolutions;

3. *Encourages* all States to implement directly or, as appropriate, through the relevant international, regional and subregional organizations and regional and subregional fisheries organizations and arrangements, the international plans of action of the Food and Agriculture Organization of the United Nations for reducing the incidental take of seabirds in longline fisheries, for the conservation and

⁴ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

management of sharks and for the management of fishing capacity, since the state of progress in the implementation of all three plans will be reported to the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at the twenty-fourth session of the Committee, to be held from 26 February to 2 March 2001;

4. *Takes note with satisfaction* of the activities of the Food and Agriculture Organization of the United Nations aimed at providing assistance to developing countries in upgrading their capabilities in monitoring, control and surveillance, through its Inter-regional Programme of Assistance to Developing Countries for the Implementation of the Code of Conduct for Responsible Fisheries;

5. *Also takes note with satisfaction* of the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

6. *Reiterates* the importance of continued or strengthened efforts by States, directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, to make it a high priority to support, including through financial and/or technical assistance, with a particular emphasis on capacity-building, the efforts of developing States, in particular the least developed countries and the small island developing States, to achieve the goals and implement the actions called for in the present resolution, including to improve the monitoring and control of fishing activities and the enforcement of fishing regulations;

7. *Urges* States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that have not done so to take action to reduce by-catch, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

8. *Calls upon* States and other entities referred to in article 1, paragraph 2 (b), of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks¹ that have not done so to ratify or accede to it and to consider applying it provisionally;

9. *Calls upon* States and other entities referred to in article 10, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas that have not deposited instruments of acceptance of the Agreement to do so;

10. *Recalls* that Agenda 21, adopted at the United Nations Conference on Environment and Development, calls upon States to take effective action, consistent with international law, to deter reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management measures for fishing vessels on the high seas,

11. *Calls upon* States that have not done so to take measures to deter reflagging of fishing vessels flying their flag to avoid compliance with applicable

obligations and to ensure that fishing vessels entitled to fly their flag do not fish in areas under the national jurisdiction of other States unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and that they do not fish on the high seas in contravention of the applicable conservation and management measures;

12. *Urges* States to continue the development of an international plan of action on illegal, unreported and unregulated fishing for the Food and Agriculture Organization of the United Nations, as a matter of priority, so that its Committee on Fisheries can be in a position to adopt elements for inclusion in a comprehensive and effective plan of action at its twenty-fourth session, to be held from 26 February to 2 March 2001;

13. *Appeals* to States and regional fisheries organizations, including regional fisheries management bodies and regional fisheries arrangements, to promote the application of the Code of Conduct for Responsible Fisheries within their areas of competence;

14. *Reaffirms* the rights and duties of coastal States to ensure proper conservation and management measures with respect to the living resources in zones under their national jurisdiction, in accordance with international law, as reflected in the United Nations Convention on the Law of the Sea;

15. *Invites* regional and subregional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participate in such arrangements;

16. *Encourages* the International Maritime Organization and other relevant agencies, organizations and States to continue working constructively with the Food and Agriculture Organization of the United Nations to combat unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing;

17. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on illegal, unreported and unregulated fishing and to report to the Secretary-General, for inclusion in his annual report on oceans and the law of the sea, on priorities for cooperation and coordination in this work;

18. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with the United Nations Convention on the Law of the Sea and taking into account the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and other relevant principles of international law;

19. *Affirms also* the central role that regional and subregional fisheries management organizations and arrangements have in intergovernmental cooperation to assess living marine resources within their competence, to manage their conservation and sustainable use and thus to promote food security and sustain the economic base of many States and communities, and further affirms that they also

will play a key role in implementing applicable international law, including, as appropriate, the United Nations Convention on the Law of the Sea, the Fish Stocks Agreement and the Compliance Agreement, and in promoting the application of the Code of Conduct for Responsible Fisheries;

20. *Calls upon* the Food and Agriculture Organization of the United Nations, the International Maritime Organization, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations to take up, as a matter of priority, the issue of marine debris as it relates to fisheries and, where appropriate, to promote better coordination and help States to fully implement relevant international agreements, including annex 5 and the Guidelines of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

21. *Invites* all relevant parts of the United Nations system, international financial institutions and multilateral and bilateral donor agencies to take into account the importance of marine science, including the importance of protecting the ecosystem, and the precautionary approach, with the aim of providing support to subregional and regional organizations and arrangements and their member States, for sustainable fisheries management and conservation, and notes that, for developing countries, capacity-building is essential for the sustainable development of living marine resources;

22. *Recommends* that the biennial conference of regional and subregional fisheries management organizations and arrangements with the Food and Agriculture Organization of the United Nations should consider measures to strengthen further the role of these organizations in all aspects of fisheries conservation and management;

23. *Recommends also* that the Food and Agriculture Organization of the United Nations should consider inviting the intergovernmental organizations relevant to its work to join the biennial conference of regional fisheries organizations;

24. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

25. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on the implementation of the present resolution, including the status and implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the implementation of the international plans of action for the management of fishing capacity, for reducing the incidental catch of seabirds in longline fisheries, and for the conservation and management of sharks, and efforts undertaken by the Food and Agriculture Organization of the United Nations to combat illegal, unreported and unregulated fishing, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate

organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements and other relevant intergovernmental and non-governmental organizations;

26. *Decides* to include in the provisional agenda of its fifty-seventh session, under the item entitled “Oceans and law of the sea”, the sub-item entitled “Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments”.

B. National legislation

1. Belgium

Act concerning the exclusive economic zone of Belgium in the North Sea, 22 April 1999¹

[Translated from French]

Albert II, King of the Belgians,
extends his greetings to all citizens, present and future.

The Parliament has adopted and we have approved the following:

Article 1. This Act shall govern matters referred to in article 77 of the Constitution.

Chapter I
Exclusive economic zone

Article 2. An exclusive economic zone, hereinafter referred to by the acronym EEZ, shall be established beyond and adjacent to the territorial sea of Belgium, comprising the waters superjacent to the seabed and the seabed and its subsoil.

Article 3. The EEZ of Belgium shall cover that part of the North Sea the outer limit of which is a line composed of segments connecting the following points, defined by their coordinates, in the order in which they are listed:

1. 51°16'09"N 02°23'25"E
2. 51°33'28"N 02°14'18"E
3. 51°36'47"N 02°15'12"E
4. 51°48'18"N 02°28'54"E
5. 51°52'34,012"N 02°32'21,599"E
6. 51°33'06"N 03°04'53"E

The positions of the points listed in this article are expressed in latitude and longitude in accordance with the European Geodetic System (regulation 1, 1950).

Chapter II
Legal regime of the exclusive economic zone

Article 4. The EEZ shall be subject to the specific legal regime established by this Act. In the EEZ, the Kingdom of Belgium shall exercise:

1. Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

¹ Published in *Moniteur belge*, 10 July 1999.

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

Article 5. In exercising its rights in the EEZ, Belgium shall have due regard to the rights and duties of other States, particularly as concerns freedom of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms which are compatible with other provisions of international law.

Chapter III Living resources and fishing

Section I

Article 6. Article 1, paragraph 1, of the Act of 12 April 1957 authorizing the King to stipulate measures for the conservation of the living resources of the sea, amended by the Act of 18 July 1973, is replaced by the following:

“The King shall take the necessary measures to ensure the conservation of living resources in both the high seas and the exclusive economic zone and the territorial sea.”

Article 7. Article 2 of the said Act is replaced by the following:

“*Article 2.1.* Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol boats and aircraft or their crews commissioned and non-commissioned naval officers assigned for that purpose, and agents of the Customs and Excise Administration, within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of the measures laid down in article 1 and, in particular, for seeking out violations and reporting them in official reports which shall be regarded as authoritative until proven otherwise.

To that end, they may board fishing vessels at any time, require the presentation of all ship’s documents and documentary evidence and enter any premises and areas on board where fishing equipment or fishery products may be kept. They may seize all documents and documentary evidence for examination.

In a case of *flagrante delicto*, they may, for the purpose of instituting proceedings and with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator and, if necessary, arrest the vessel at the expense and risk of the owner or operator.

In the event that they have serious grounds for believing that violations have been committed, they may, with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port, at the expense and risk of the owner or operator. If a violation is then discovered, they may, if necessary, arrest the vessel at the expense and risk of the owner or operator.

When a fishing vessel has been arrested in accordance with this Act, the vessel shall be released immediately in exchange for the deposit by the owner or his agent of a bond or bank guarantee issued by a bank established in Belgium corresponding to an amount determined by the official who reported the offence but which may not exceed the maximum amount of the fine stipulated by this Act, plus a 10 per cent surcharge. The bond or bank guarantee shall be handed over, against a receipt, to the reporting official, who shall deposit it with a legally authorized agency of the Caisse des Dépôts et Consignations.

The fine established by a final court decision, as well as any other charges shall be deducted from the bond. The balance shall be immediately refunded. The interest accrued on the sum deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.

“2. When a violation is discovered, they may, in addition, immediately seize the fishery products, fishing equipment and other means of production. They may have the seized fishery products thrown overboard. They may offer for public sale the seized fishing products, which may be placed on the market in accordance with the European or national regulations in force, provided that this is compatible with public health. The proceeds shall be deposited with the clerk of the competent court until a final decision on the offence has been handed down. This sum shall be considered the equivalent of the seized fishery products for the purposes of both confiscation and any eventual restitution. Seized fishery products which may not be placed on the market in accordance with the European or national regulations in force but which meet public health standards may be donated to a charitable institution or used for some other purpose.

If the seized fishery products do not meet public health standards, they may not be used for human consumption and must be either denatured, processed and used for other purposes, or else destroyed, in either case at the expense of the offender. The fishing equipment and other means of production seized may be returned to the offender against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

The fishing equipment and other means of production seized shall be impounded by the clerk of the competent court. The bond or bank guarantee shall be handed over, against a receipt, to the official who reported the offence, who shall deposit it with the clerk of the court until a final decision concerning the offence has been handed down. This sum shall be considered the equivalent of the seized fishing equipment and other means of production for the purposes of both confiscation and any eventual restitution.

“3. In the event of conviction, the court may order the confiscation of the fishery products, fishing equipment and other means of production seized.

Confiscation shall be pronounced and destruction ordered in all cases where the fishing equipment or means of production do not comply with the European or national regulations in force and where the nature of the fishery product warrants such action.

Court-ordered destruction shall be carried out at the expense of the convicted party.”

Article 8. Article 3 of the said Act, as amended by the Act of 23 February 1971, is replaced by the following:

“*Article 3.* A fine of from one thousand five hundred francs to one hundred thousand francs shall be imposed on any person who:

1. Violates the regulations issued pursuant to this Act;

2. Refuses to allow visits, inspections, checks or sample-taking or to provide information or documents required by the authorities referred to in article 2, paragraph 1;
3. Knowingly provides false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 2, paragraph 1, pursuant to this Act or its implementing regulations.

An offence mentioned in paragraph 1 committed in the territorial sea shall be punishable by a term of imprisonment of from fifteen days to one year and a fine as stipulated in this article or by one of those penalties only.

If the offence is committed between sunset and sunrise or if it is repeated within three years after conviction for one of the offences referred to paragraphs 1 and 2, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production.

The provisions of volume I of the Penal Code, including chapter VII and article 85, are applicable to the offences referred to in this article.”

Article 9. Article 4 of the said Act is replaced by the following:

“*Article 4.* The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Section II

Article 10. Article 1 of the Act of 10 October 1978 establishing a Belgian fishing zone is replaced by the following:

“*Article 1.* A national fishing zone shall be established beyond the territorial sea of Belgium and coterminous with the exclusive economic zone.”

Article 11. Article 3, paragraph 2, of the said Act is replaced by the following:

“This prohibition applies subject to the rights of foreign vessels under the Treaty on European Union and the applicable rules of international law.”

Article 12. Article 4 of the said Act, as amended by the Act of 30 June 1983, is replaced by the following:

“*Article 4.1.* Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol vessels and aircraft or their crews, commissioned and non-commissioned naval officers assigned for that purpose and agents of the Customs and Excise Administration within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of this Act and the regulations issued thereunder and, in particular, for seeking out violations and reporting them in official reports, which shall be regarded as authoritative until proven otherwise.

To that end, they may board fishing vessels at any time, require the presentation of all ship’s documents and documentary evidence and enter any premises and areas on board where fishing equipment or fishery products may be kept. They may seize all documents and documentary evidence for examination.

In a case of *flagrante delicto*, they may, for the purpose of instituting proceedings and with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator and, if necessary, arrest the vessel at the expense and risk of the owner or operator.

In the event that they have serious grounds for believing that violations have been committed, they may, with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator. If a violation is then discovered, they may, if necessary, arrest the vessel at the expense and risk of the owner or operator.

“2. When a violation is discovered, they may, in addition, immediately seize the fishery products and the fishing equipment and other means of production. They may have the seized fishery products thrown overboard. They may offer for public sale the seized fishery products, which may be placed on the market in accordance with the European or national regulations in force, provided that this is compatible with public health. The proceeds shall be deposited with the clerk of the competent court until a final decision on the offence has been handed down. This sum shall be considered the equivalent of the seized fishery products for the purposes of both confiscation and any eventual restitution. Seized fishery products which may not be placed on the market in accordance with the European or national regulations in force but which meet public health standards may be donated to a charitable institution or used for some other purpose.

If the seized fishery products do not meet public health standards, they may not be used for human consumption and must be either denatured, processed and used for other purposes or else destroyed, in either case at the expense of the offender.

The fishing equipment and other means of production seized may be returned to the offender against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

The fishing equipment and other means of production seized shall be impounded by the clerk of the competent court. The bond or bank guarantee shall be handed over to the official who reported the offence, who shall deposit it with the clerk of the court until a final decision concerning the offence has been handed down. This sum shall be considered the equivalent of the seized fishing equipment and other means of production for the purpose of both confiscation and any eventual restitution.

“3. In the event of conviction, the court may order the confiscation of the fishery products, fishing equipment and other means of production seized.

Confiscation shall be pronounced and destruction ordered in all cases where the fishing equipment or means of production do not comply with the European or national regulations in force and where the nature of the fishery product warrants such action.

Court-ordered destruction shall be carried out at the expense of the convicted party.”

Article 13. Article 5 of the said Act is replaced by the following:

“*Article 5.* When a fishing vessel has been arrested in accordance with this Act, the vessel shall be released immediately in exchange for the deposit by the owner or his agent of a bond or guarantee from a bank established in Belgium corresponding to an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge. The bond or bank guarantee shall be handed over, against a receipt, to the reporting official, who shall deposit it with a legally authorized agency of the Caisse des Dépôts et Consignations.

The fine established by a final court decision as well as any other charges shall be deducted from the bond. The balance shall be immediately refunded. The interest accrued on the sum deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.”

Article 14. Article 6 of the said Act, as amended by the Act of 30 June 1983, is replaced by the following:

“*Article 6.* A fine of from one thousand five hundred francs to one hundred thousand francs shall be levied on any person who:

1. Violates this Act or the regulations issued pursuant thereto;
2. Refuses to allow visits, inspections, checks or sample-taking or to provide information or documents required by the authorities referred to in article 4, paragraph 1;
3. Knowingly supplies false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 4, paragraph 1, pursuant to this Act or its implementing regulations. If the offence is committed between sunset and sunrise or is repeated within three years after conviction for one of the offences referred to in subparagraph 1, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production. The provisions of Volume I of the Penal Code, including chapter VII and article 85, are applicable to the offences referred to in this article.”

Article 15. Article 7 of the said Act is replaced by the following:

“*Article 7.* The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Section III

Article 16. The title of the Act of 19 August 1891 on maritime fishing in territorial waters is replaced by the following:

“Act of 19 August 1891 on maritime fishing in the territorial sea.”

Article 17. Article 1 of the said Act is replaced by the following:

“*Article 1.* Fishing in the territorial sea is under Belgian jurisdiction.

The following are deemed to be fishing activities:

1. The catching or attempted catching of any fish, molluscs or shellfish;
2. The destruction or removal of spawn, fry or spat.

Foreign fishing vessels are prohibited from fishing in the territorial sea.

This prohibition is subject to the rights arising for foreign ships under the Treaty on European Union and the applicable rules of international law.”

Article 18. Article 3 of the said Act is replaced by the following:

“Article 3.1. Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol boats and aircraft or their crews, commissioned and non-commissioned naval officers assigned for that purpose and agents of the Customs and Excise Administration within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of this Act and of the regulations issued thereunder, and, in particular, for seeking out violations and reporting them in official reports which shall be regarded as authoritative until proven otherwise.

To that end, they may board fishing vessels any time, require the presentation of all ship’s documents and documentary evidence and enter any premises and areas on board where fishing equipment or fishery products may be kept. They may seize all documents and documentary evidence for examination.

In a case of *flagrante delicto*, they may, for the purpose of instituting proceedings and with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted to a Belgian port at the expense and risk of the owner or the operator and, if necessary, arrest the vessel at the expense and risk of the owner or operator.

In the event that they have serious grounds for believing that violations have been committed, they may, with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator. If a violation is then discovered, they may, if necessary, arrest the vessel at the expense and risk of the owner or operator.

Where a fishing vessel has been arrested in accordance with the provisions of this Act, the vessel shall be released immediately in exchange for the deposit by the owner or his agent of a bond or bank guarantee issued by a bank established in Belgium, corresponding to an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge. The bond or bank guarantee shall be handed over, against a receipt, to the reporting official, who shall deposit it with a legally authorized agency of the Caisse des Dépôts et Consignations.

The fine established by a final court decision, as well as any other charges, shall be recovered from the bond. The balance shall be immediately refunded. Any interest on the amount deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.

“2. When a violation is discovered, they may, in addition, immediately seize the fishery products and the fishing equipment and other means of production. They may have the seized fishery products thrown overboard. They may offer for public sale the seized fishery products, which may be placed on the market in accordance with the European or national regulations in force, provided that this is compatible with public health. The proceeds shall be deposited with the clerk of the competent court until a final decision on the offence has been handed down. This sum shall be considered the equivalent of the seized fishery products for the purposes of both confiscation and any eventual restitution. Seized fishery products which may not be placed on the market in accordance with the European or national regulations in force but which meet public health standards may be donated to a charitable institution or used for some other purpose.

If the seized fishery products do not meet public health standards, they may not be used for human consumption and must be either denatured, processed and used for other purposes, or else destroyed, in either case at the expense of the offender.

The fishing equipment and other means of production seized may be returned to the offender, against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

The fishing equipment and other means of production seized shall be impounded by the clerk of the court. The bond or bank guarantee shall be handed over to the official who reported the offence, who shall deposit it with the clerk of the court until a final decision concerning the offence has been handed down. This sum shall be considered the equivalent of the seized fishing equipment and other means of production for the purpose of both confiscation and any eventual restitution.

“3. In the event of conviction, the court may order the confiscation of the fishery products, fishing equipment and other means of production seized.

Confiscation shall be pronounced and destruction ordered in all cases where the fishing equipment and other means of production do not comply with the European or national regulations in force or where the nature of the fishery product warrants such action.

Court-ordered destruction shall be carried out at the expense of the convicted party.”

Article 19. Article 4 of the said Act is abrogated.

Article 20. Article 5 of the said Act is abrogated.

Article 21. Article 6 of the said Act is replaced by the following:

“*Article 6.* A sentence to a term of imprisonment of from fifteen days to one year and a fine of from one thousand five hundred francs to one hundred thousand francs or only one of those penalties shall be imposed on any person who:

1. Violates this Act or the regulations issued pursuant thereto;
2. Refuses to allow visits, inspections, checks, or sample-taking or to provide information or documents required by the authorities referred to in article 3, paragraph 1;
3. Knowingly provides false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 3, paragraph 1, pursuant to this Act or its implementing regulations.

If the offence is committed after sunset and before sunrise, or if it is repeated within three years after conviction for one of the offences referred to in paragraph 1, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production.

The provisions of volume I of the Penal Code, including chapter VII and article 85, are applicable to the offence referred to in this article.”

Article 22. Article 7 of the said Act is abrogated.

Article 23. Article 9 of the said Act is replaced by the following:

“*Article 9.* The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Article 24. Article 10 of the said Act is abrogated.

Section IV

Article 25. The Act of 28 March 1975 on trade in agricultural, horticultural and maritime fishery products is also applicable in the EEZ with respect to fishing-related activities.

The prison sentences established thereunder do not apply to violations committed within the EEZ.

Chapter IV
Non-living resources

Article 26. The title of the Act of 13 June 1969 on Belgium's continental shelf is replaced by the following title: "Act on the exploration and exploitation of non-living resources in the territorial sea and the continental shelf".

Article 27. Article 1 of the said Act is replaced by the following:

"*Article 1.* The Kingdom of Belgium shall exercise its sovereignty over the territorial sea and sovereign rights over the continental shelf for the purpose of exploring and exploiting mineral and other non-living resources."

Article 28. Article 2 of the said Act is replaced by the following:

"*Article 2.* Belgium's continental shelf comprises the seabed and subsoil of the submarine areas adjacent to the coasts but beyond the territorial sea, the outer limit of which is a line composed of segments connecting the following points, defined by their coordinates, in the order in which they are listed:

1. 51°16'09"N 02°23'25"E
2. 51°33'28"N 02°14'18"E
3. 51°36'47"N 02°15'12"E
4. 51°48'18"N 02°28'54"E
5. 51°52'34,012"N 02°32'21,599"E
6. 51°33'06"N 03°04'53"E

The positions of the points listed in this article are expressed in latitude and longitude in accordance with the European Geodetic System (regulation 1, 1950)."

Article 29. Article 3 of the said Act is amended as follows:

1. The words "*lits de la mer*" are replaced by the words "*fonds marin*".
2. The following paragraph is added to the article:

"It also determines the procedure to be followed for the partial or complete withdrawal or transfer of the concession."

Article 30. Article 4 of the said Act is replaced by the following:

"*Article 4.* The laying of cables and pipelines which enter the territorial sea or the national territory, or which are constructed or used in connection with the exploration of the continental shelf or exploitation of mineral and other non-living resources, or the operations of artificial islands, installations and structures under Belgian jurisdiction, shall be subject to the obtaining of a permit, which shall be granted or revoked in accordance with procedures established by the King.

Pipeline trajectories must be approved by the King, taking into consideration the exploration of the continental shelf and the exploitation of mineral and other non-living resources.

The King may impose additional measures to prevent, reduce or control pollution from pipelines.”

Article 31. Article 5 of the said Act is amended as follows:

1. In the first paragraph, the words “installations and other structures established on the high seas” are replaced by the words “artificial islands, installations, and other structures”;
2. In the same paragraph, the word “natural” is replaced by the words “mineral and other non-living resources”;
3. In the third paragraph, the word “sea” is replaced by the words “of the sea and of the flora and fauna and their habitats”;

Article 32. Article 6 of the said Act is amended as follows:

1. In the first paragraph, the words “artificial island” are inserted between the words “for each” and “installation or structure”;
2. In the same paragraph, the words “in the territorial sea or” are inserted between the words “situated” and “on the continental shelf”;
3. In the second paragraph, the words “artificial islands” are inserted between the words “of the outer edge of those” and “installations or structures”.

Article 33. Article 7 of the said Act is amended as follows:

1. The words “installations or other structures situated on the high seas” are replaced by the words “artificial islands, installations and other structures”;
2. The words “in the territorial sea or” are inserted between the words “permanently established” and “on the continental shelf”;
3. The words “on those installations or structures” are replaced by the words “on those artificial islands, installations and structures”.

Article 34. In the first paragraph of article 8 of the said Act the words “on an installation or other structure referred to in the previous article” are replaced by the words “on the artificial islands, installations or structures referred to in this Act”.

Article 35. In the first paragraph of article 9 of the said Act, the words “an artificial island or” are inserted between the words “with regard to” and “an installation”.

Article 36. The following new article 10 is inserted in the said Act:

“*Article 10.* Violations of this Act or of its implementing regulations shall be punished in accordance with articles 55 and 56 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea.”

Chapter V
Artificial islands, installations and structures

Article 37. In the EEZ, Belgium shall have exclusive jurisdiction over artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

In the territorial sea, Belgium shall have sovereignty over artificial islands, installations and structures.

Article 38. The provisions relating to artificial islands, installations and structures referred to in the Act of 13 June 1969 on the exploration and exploitation of non-living resources in the territorial sea and on the continental shelf shall also apply to artificial islands, installations and structures established in the EEZ and the territorial sea for purposes other than the exploration and exploitation of mineral and other non-living resources.

Article 39. Any installations or structures in the EEZ which are abandoned or disused shall be removed, in particular to ensure safety of navigation. This provision is also applicable to the territorial sea.

Chapter VI
Marine scientific research

Article 40. Any marine scientific research of whatever nature, conducted in the territorial sea and the EEZ by a ship, aircraft, submarine or piece of equipment originating abroad shall be subject to the consent of the Minister responsible for foreign affairs, who shall consult the ministers concerned to that end.

Article 41.1. In order to obtain the consent referred to in article 40, a request shall be transmitted through the diplomatic channel not less than three months prior to the commencement of the project in question. The King shall determine the information that should accompany such a request.

2. If a marine scientific research project is undertaken under the auspices of an international organization of which Belgium is a member or with which Belgium has a bilateral agreement and if the project has been approved by Belgium, Belgium shall be deemed to have authorized the marine scientific research conducted in the territorial sea and the EEZ in relation to the project, unless it indicates its objection within two months of the official request being lodged through the diplomatic channel.

Article 42. In addition to the requirement to meet the conditions provided for under international law, the conduct of the marine scientific research by foreign ships in the territorial sea and the EEZ shall be subject to Belgian legislation relating to the protection and conservation of the marine environment.

Article 43.1. The establishment and use in the territorial sea and the EEZ of scientific installations or scientific equipment of any kind are subject to the provisions of chapter VI.

2. The installations or equipment concerned shall carry identification marks indicating the State of registration or the international organization to which the installations or equipment belong, as well as the signalling equipment stipulated by the King.

3. The provisions of this article shall not confer the status of artificial island on the installations and equipment concerned.

Article 44. If the marine scientific research proves not to have been conducted in conformity with the conditions set forth in this chapter, it shall be subject to suspension or stoppage, under the conditions and in accordance with the modalities laid down in international law.

Article 45. The King shall adopt any additional measures that might be required in fulfilment of the provisions of this chapter. The King may grant a special dispensation in specific cases.

Chapter VII
Protection of the marine environment

Article 46. Belgium shall exercise its jurisdiction in the EEZ in respect of the protection and preservation of the marine environment, including the protection and conservation of species of fauna and flora, their habitats and their physical environment. The exercise of such jurisdiction shall be governed by the relevant Belgian legislation.

Chapter VIII
Customs, taxation, health and immigration controls

Article 47. In the first 12 nautical miles of the EEZ, namely in an area extending to 12 nautical miles adjoining its territorial sea, Belgium shall exercise the necessary control with a view to:

1. Preventing violations of the customs, fiscal, immigration or health legislation or regulations in force in its territory or in its territorial sea;
2. Suppressing any violation of such legislation or regulations in its territory or in its territorial sea.

Article 48. Article 167 of the General Customs and Excise Act of 18 July 1977 is replaced by the following:

“Article 167. The customs service shall have jurisdiction over:

1. An area along the coast extending to a distance of 5 kilometres inland from the low-water line;
2. The territory of the maritime ports and aerodromes subject to customs and an area extending to 250 metres from the limits of such territory.”.

Article 49. Article 168 of the said Act shall be replaced by the following:

“Article 168. Officers shall, in the area specified in article 47 of the Act of 22 April 1999 concerning Belgium’s exclusive economic zone in the North Sea, exercise full control with a view to:

1. Preventing violations of the laws and regulations enforceable by the customs service in Belgian territory or in its territorial sea;
2. Suppressing any violation of those laws and regulations in Belgian territory or in its territorial sea.”.

Article 50. Article 169 of the said Act is replaced by the following:

“Article 169.1. Without prejudice to the provisions relating to the right of innocent passage, officials may, in Belgium’s territorial sea, visit ships and require submission of bills of lading and other ships’ papers relating to cargo, with a view to verifying whether the merchandise on board complies with customs and excise regulations or measures prohibiting, restricting or controlling imports, exports or transit and may report violations of the above-mentioned provisions.

2. For the purposes of this article, the word “ship” shall be taken to mean any vessel or any piece of equipment of any kind, including flat-bottomed vessels and seaplanes used or capable of being used as a means of transport on water, or fixed or floating platforms.”.

Chapter IX
Amendments to the Judicial Code

Article 51. The following paragraph is added to article 513 of the Judicial Code as amended by the Act of 6 April 1992:

“Bailiffs having their offices in the judicial circuits of Antwerp, Bruges and Veurne shall be competent to act on the territorial sea referred to in article 1 of the Act of 6 October 1987 establishing the breadth of the territorial sea of Belgium and in the exclusive economic zone referred to in article 2 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea.”

Article 52. Article 569 of the said Code is amended as follows:

(a) Paragraph 1, subparagraphs 24-27, inserted by the Acts of 4 August 1992, 5 August 1992, 6 August 1993, 20 May 1994, 30 June 1994 and 28 October 1996, is replaced by the following text:

“24. Applications for credit facilities provided for in article 59 of the Act of 4 August 1992 on mortgages;

“25. Proceedings brought under article 49 of the Act on the police;

“26. Claims referred to in article 13 of the Act of 30 June 1994 incorporating into Belgian law the European directive of 14 May 1991 concerning the legal protection of computer programmes;

“27. Proceedings brought under article 93 of the Act of 20 May 1994 on the regulations governing military personnel;

“28. Claims based on the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 18 December 1971, the Protocol to the said Convention, done at London on 19 November 1976, and the Act on the approval and execution of the said Convention and Protocol;

“29. Claims for the restitution of cultural property brought on the basis of article 7 of the Act of 28 October 1996 on the restitution of cultural property removed illicitly from the territory of certain foreign States.”;

(b) The said paragraph, which was amended most recently by the Act of 28 October 1996, is supplemented as follows:

“30. In the absence of other provisions awarding jurisdiction, claims brought under the Act of 22 April 1999 on the exclusive economic zone of Belgium in the North Sea”;

(c) Paragraph 2, which was amended most recently by the Act of 28 October 1996, is replaced by the following paragraph:

“The court of first instance of Brussels shall have sole jurisdiction in the cases stipulated in paragraph 1, subparagraphs 8, 17, 28 and 29, and the court of first instance of Antwerp in the case stipulated in paragraph 1, subparagraph 18.”.

Article 53. Article 627 of the said Code, which was amended most recently by the Act of 10 February 1998, is supplemented as follows:

“15. The court of first instance of Antwerp in the case of claims brought under the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea.”

Article 54. The following paragraph is added to article 633 of the said Code:

“If the claim relates to a seizure effected in the territorial sea referred to in article 1 of the Act of 6 October 1987 establishing the breadth of the territorial sea of Belgium or in the exclusive economic zone referred to in article 2 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea, the seizures judges of the Antwerp, Bruges and Veurne districts shall be equally competent.”.

Chapter X Penal provisions

Article 55. With regard to chapters V and VI of this Act and its implementing regulations,

1. Any person who has engaged without a permit or concession in an activity for which a permit or concession is required shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from one thousand francs to one million francs or by only one of those penalties;
2. Any person who has failed to comply with the conditions or modalities stipulated in the permit or concession issued or granted to him shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from two hundred francs to five hundred thousand francs or by only one of those penalties;
3. Any person who has refused a competent official or officer access as stipulated in article 60 of this Act shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from two thousand francs to one hundred thousand francs or by only one of those penalties;
4. Any person who has failed to respect the safety zones and measures established in application of article 6 of the Act of 13 June 1969 concerning the exploration and exploitation of the non-living resources of the territorial sea and the continental shelf shall be punished by a term of imprisonment of from fifteen days to one year and a fine of from one thousand francs to one hundred thousand francs or by only one of those penalties.

If the offence is committed between sunset and sunrise or if it is repeated within three years after conviction for one of the offences referred to in paragraph 1, the above penalties may be doubled.

Article 56. Bodies corporate shall be liable for payment of damages, fines and costs resulting from the conviction of their organs or employees for violations of the provisions of this Act or its implementing regulations.

Article 57. Persons punished by a fine under article 55 shall be obliged to pay 20 per cent of that fine into the Environment Fund.

Article 58. In section “25.4 Environment Fund” of the table annexed to the Organization Act of 27 December 1990 on the establishment of budget funds, the words “the fines under article 55 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea” are inserted between the words “the fines under article 30 of the Act of 6 April 1995 on prevention of the pollution of the sea by vessels” and “Nature of authorized expenses”.

Article 59. Without prejudice to the authority of the criminal investigation service, maritime commissioners and officials and officers of the Maritime Police, commanders of patrol boats and aircraft and their crews, officials and officers of the Unit for the Management of the Mathematical Model of the North Sea, officials and officers of the Ministry of Economic Affairs designated by the minister responsible for economic affairs and commissioned and non-commissioned naval officers assigned for that purpose shall be responsible for ensuring the application of this Act and its implementing regulations. They shall seek out offences and report them in official reports, which shall be regarded authoritative unless proven otherwise.

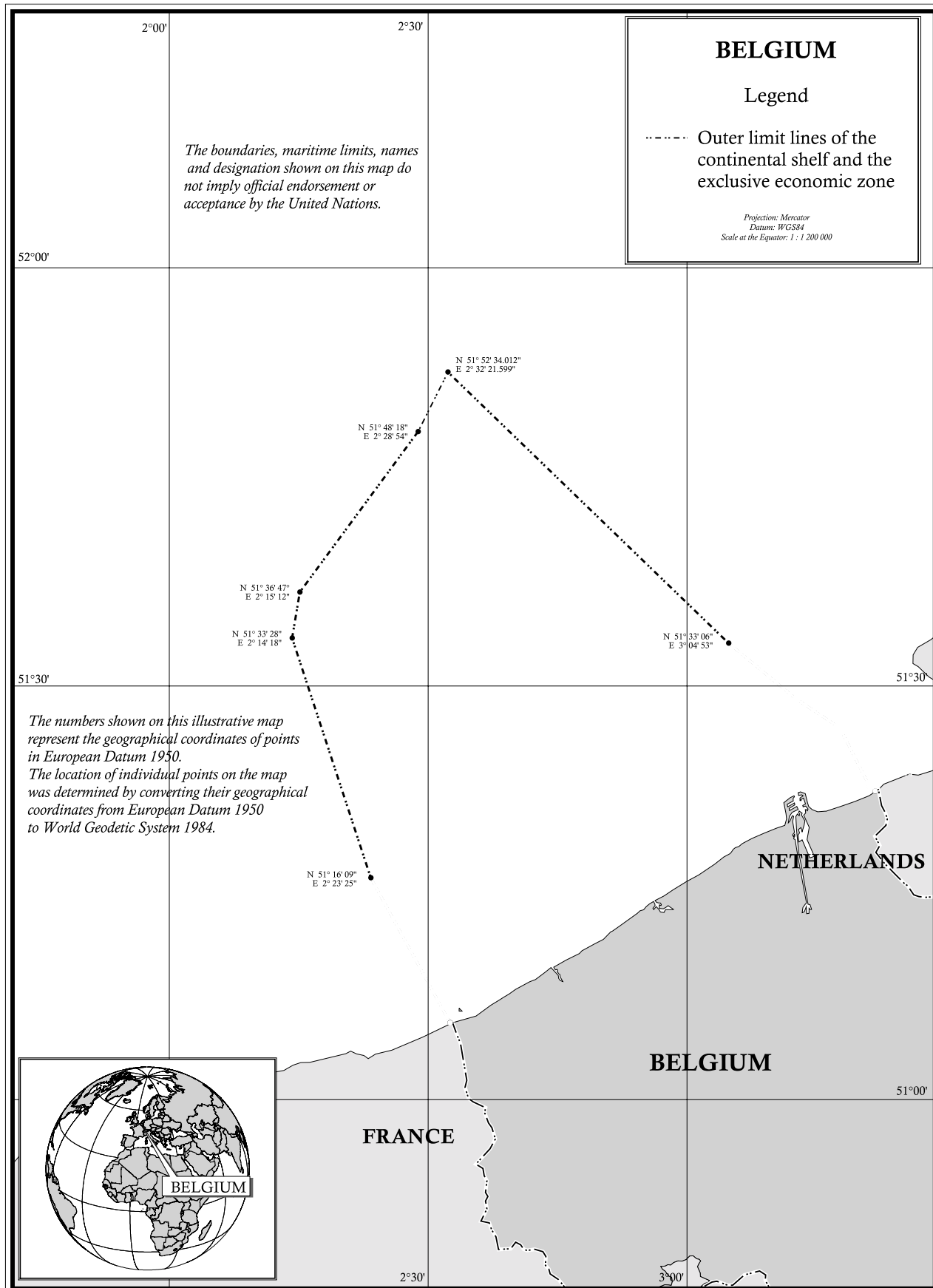
Article 60. The officials and officers referred to in article 59 shall at all times have the right of access to vessels, enterprises, moorings, artificial islands, installations, structures and other places, provided that their presence can reasonably be deemed necessary for the fulfilment of their task, in order to draw up the reports integral thereto. They may be assisted by experts. They may, if necessary, have recourse to the police and the armed forces in order to gain access to those places.

Article 61. All persons competent under these provisions to monitor the application of this Act shall, when carrying out such monitoring, whether in uniform or otherwise, present identification such as may be considered reasonably sufficient to indicate their competence under this Act, the model for such identification to be established by the King.

Article 62. All provisions of Volume 1 of the Penal Code, including chapter VII and article 85, are applicable.

We promulgate this Act and order that it should be sealed with the State seal and published in the *Moniteur belge*.

Issued at Brussels, on 22 April 1999.



2. Denmark²

Ordinance Governing the Admission of Foreign Warships and Military Aircraft to Danish Territory in Time of Peace, 16 April 1999

We, Margrethe the Second, by the Grace of God Queen of Denmark, hereby make known:

PART 1
GENERAL PROVISIONS

1. (1) This Ordinance shall apply to the admission of foreign warships and military aircraft to Danish territory when Denmark, as well as the State by which the vessel or aircraft is owned, are in a state of peace.
 - (2) Other vessels which are owned or used by a foreign State and which are not employed exclusively for commercial purposes shall be equated with foreign warships in the application of the provisions of this Ordinance.
 - (3) For the purposes of this Ordinance, the term "passage" means innocent passage within the meaning of international law.
 - (4) Where prior permission is required following this Ordinance, the application for such permission shall be submitted not less than ten weekdays in advance. Where prior notification of passage is required, such notification shall be given not less than three weekdays in advance of the proposed passage.
 - (5) The Minister of Defence may take exceptions to the provisions of this Ordinance.
2. (1) For the purpose of this Ordinance the term "Danish territory" means Danish land territory and Danish territorial waters and the airspace above these territories.
 - (2) Danish territorial waters embrace the territorial sea and internal waters as defined in the relevant provisions in force at any given time.

PART 2
WARSHIPS

3. (1) Foreign warships shall not be allowed to stop or anchor within territorial waters except where prior permission to do so has been obtained through diplomatic channels or where stopping or anchoring is essential for ordinary navigation or is rendered necessary by *force majeure* or by distress.
 - (2) Simultaneous passage of the Great Belt or the Sound of more than three warships of the same nationality shall be subject to prior notification through diplomatic channels. Notification shall not be required for the vessels referred to in section 1, subsection (2).
4. (1) Warships may pass through or stay in internal waters when prior permission for such passage or stay has been obtained through diplomatic channels.

² Originally published in Bulletin 40. Reprinted for technical reasons upon the request of the Permanent Mission of Denmark to the United Nations, communicated by note 55.A.1, dated 14 August 2000.

(2) Passage of Hollaenderdybet/Drogden and passage of the Little Belt and, in connection therewith, the necessary navigation by the shortest route through internal waters between Funen, Endelave and Samsøe shall be allowed, however, subject to advance notification through diplomatic channels.

5. The permissions and notifications referred to in sections 3 and 4 shall not be required for vessels in distress. In case of distress the vessel shall give the international distress signal and notify the Danish naval authority – possibly through a Danish coastal radio station.

6. (1) Warships without special permission may not conduct scientific or military activities within Danish territorial waters.

(2) Submarines are required to navigate on the surface while within Danish territorial waters.

(3) Warships shall show their naval or national flag while within Danish territorial waters. In port, however, flags may be used under traditional regulations governing the display of flags.

PART 3 MILITARY AIRCRAFT

7. (1) Prior permission, through diplomatic channels, is required before flying or landing military aircraft within Danish territory.

(2) Permission to fly or land within Danish territory will be granted only if an ordinary International Civil Aviation Organization (ICAO) flight plan is submitted to the competent Danish air traffic control organization prior to the flight. The flight shall be carried out in accordance with the guidelines set out by ICAO and the provisions relative to these guidelines laid down by Danish aeronautical authorities.

(3) This provision shall not apply to aircraft in distress, or aircraft which, with the approval of Danish authorities, are conducting flights for humanitarian purposes.

8. (1) Military aircraft without special permission may not conduct scientific or military activity within Danish territory.

(2) Military aircraft may carry armament in fixed installations, however, without ammunition. Further, they are allowed to carry photographic devices without film, videotape, discs or any other equipment for the purpose of photographic registration. Electronic equipment other than that required for navigation of the aircraft may not be used by military aircraft over Danish territory.

PART 4 COMING INTO FORCE

9. (1) The Royal Ordinance will come into force on 1 May 1999.

(2) Royal Ordinance No. 73 of 27 February 1976, Governing the Admission of Foreign Warships and Military Aircraft to Danish Territory in Time of Peace, is hereby repealed.

DONE at Amalienborg Palace on 16 April 1999.

Under Our Royal Hand and Seal
Margrethe R.

3. Netherlands

(a) Kingdom Act of 27 May 1999 establishing an exclusive economic zone of the Kingdom (Exclusive Economic Zone (Establishment) Act)³

We, Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that, mainly in order to enhance the protection and preservation of the marine environment, it is desirable to extend the Kingdom's jurisdiction and, to that end, to establish an exclusive economic zone;

We, therefore, having heard the Council of State of the Kingdom, and in consultation with the States-General, taking into account the provisions of the Charter of the Kingdom, have approved and decreed as We hereby approve and decree:

Section 1

1. The Kingdom shall have an exclusive economic zone.
2. The Kingdom's exclusive economic zone shall be the area beyond and adjacent to the Kingdom's territorial sea that does not extend beyond two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

Section 2

The outer limit of the exclusive economic zone shall be determined by order in council in the case of the Netherlands and by order in council for the Kingdom in the case of the Netherlands Antilles or Aruba.

Section 3

In the exclusive economic zone, in accordance with the restrictions laid down by international law, the Kingdom shall have:

- (a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from water, currents and winds;
- (b) Jurisdiction with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, and the protection and preservation of the marine environment.

³ *Bulletin of Acts and Decrees of the Kingdom of the Netherlands*, 1999, No. 281. Translation provided by the Government of Netherlands.

Section 4

This Act shall enter into force on a date to be determined by Royal Decree, which may differ for each of the countries of the Kingdom.

Section 5

This Act may be cited as the Exclusive Economic Zone (Institution) Act.

We order and command that this Act shall be published in the *Bulletin of Acts and Decrees*, the *Official Bulletin of the Netherlands Antilles* and the *Official Bulletin of Aruba*, and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Done at The Hague on 27 May 1999

Beatrix

J.J. van Aartsen
Minister for Foreign Affairs

J.M. de Vries
State Secretary for Transport, Public Works and Water Management

Published on the thirteenth of July 1999

A.H. Korthals
Minister of Justice

(b) Decree of 13 March 2000 determining the outer limits of the exclusive economic zone of the Netherlands and effecting the entry into force of the Kingdom Act establishing an exclusive economic zone (Exclusive Economic Zone of the Netherlands (Outer Limits) Decree)⁴

We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange Nassau, etc., etc., etc.

On the recommendation of Our Minister for Foreign Affairs of 25 October 1999, no. DJZ/BR/ 1922-99, with the support of the State Secretary for Transport, Public Works and Water Management;

Having regard to sections 2 and 4 of the Kingdom Act establishing an exclusive economic zone;

Having heard the Council of State (report No. W02.99.0535/II of 21 December 1999);

Having seen the further report of Our Minister for Foreign Affairs of 2 March 2000, no. DJZ/BR/0278-00, with the support of the State Secretary for Transport, Public Works and Water Management;

Have approved and decreed as We hereby approve and decree:

Article 1

The outer limits of the exclusive economic zone of the Netherlands shall coincide with:

⁴ *Bulletin of Acts and Decrees of the Kingdom of the Netherlands*, 1999, No. 167. Translation provided by the Government of Netherlands.

- (a) The outer limits of the Netherlands' territorial sea as referred to in section 1, subsection 1, of the Territorial Sea of the Netherlands (Demarcation) Act; and
- (b) The outer limits of the Netherlands' portion of the continental shelf.

Article 2

- 1 The Exclusive Economic Zone (Establishment) Act shall enter into force for the Netherlands with effect from the date of the entry into force of this Decree.
2. This Decree shall enter into force with effect from the day after the date of publication of the *Bulletin of Acts and Decrees* containing this Decree.

Article 3

This Decree may be cited as the Exclusive Economic Zone of the Netherlands (Outer Limits) Decree.

We order and command that this Decree and the explanatory memorandum pertaining to it shall be published in the *Bulletin of Acts and Decrees (Staatsblad)*.

The Hague, 13 March 2000

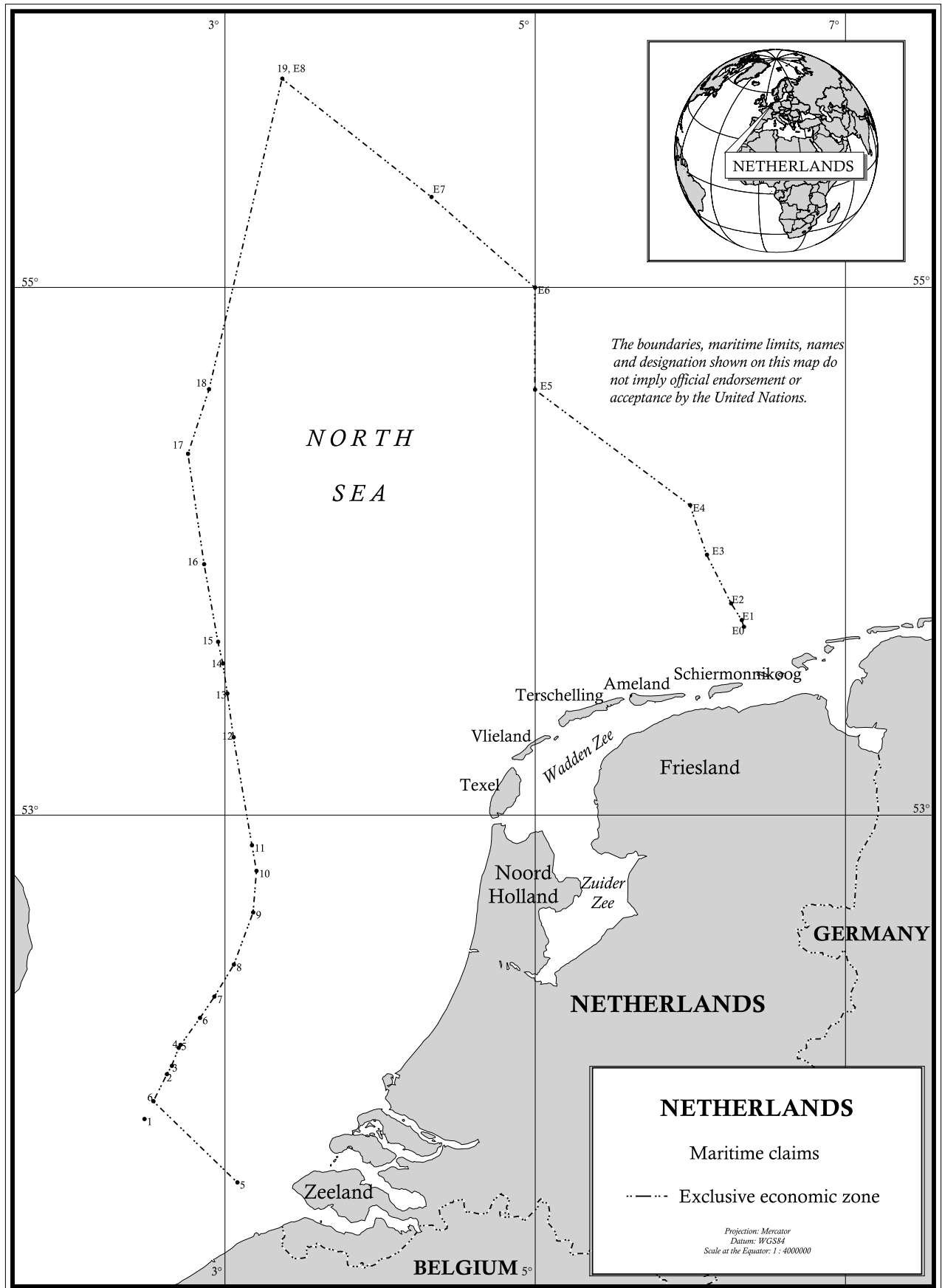
Beatrix

J.J. van Aartsen
Minister for Foreign Affairs

J.M. de Vries
State Secretary for Transport, Public Works and Water Management

Published on the twenty-seventh of April 2000

A.H. Korthals
Minister of Justice



4. United States of America

Oceans Act of 2000

An Act

To establish a Commission on Ocean Policy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the “Oceans Act of 2000”.

SECTION. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote:

- (1) The protection of life and property against natural and manmade hazards;
- (2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources;
- (3) The protection of the marine environment and prevention of marine pollution;
- (4) The enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;
- (5) The expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;
- (6) The continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;
- (7) Close cooperation among all government agencies and departments and the private sector to ensure
 - (A) Coherent and consistent regulation and management of ocean and coastal activities;
 - (B) Availability and appropriate allocation of federal funding, personnel, facilities and equipment for such activities;
 - (C) Cost-effective and efficient operation of federal departments, agencies and programs involved in ocean and coastal activities; and
 - (D) Enhancement of partnerships with state and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the state and local level; and
- (8) The preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SECTION. 3. COMMISSION ON OCEAN POLICY

(a) **ESTABLISHMENT.** There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP

(1) **APPOINTMENT.** The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) **NOMINATIONS.** The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science and Transportation;

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science;

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the ranking member of the Senate Committee on Commerce, Science and Transportation;

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the ranking members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) **CHAIRMAN.** The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for:

(A) The assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) The use and expenditure of funds available to the Commission.

(4) **VACANCIES.** Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES. In carrying out its functions under this section, the Commission:

(1) Is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) May enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) In consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING. The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) Meetings:

(1) ADMINISTRATION. All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING. The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS. The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The North-east (including the Great Lakes);

(B) The South-east (including the Caribbean);

(C) The South-west (including Hawaii and the Pacific Territories);

(D) The North-west;

(E) The Gulf of Mexico.

(f) Report:

(1) IN GENERAL. Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER. The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites and other appropriate platforms and technologies;

(B) A review of existing and planned ocean and coastal activities of federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of federal efforts;

(C) A review of the cumulative effect of federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with state ocean and coastal management regimes;

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States;

(E) A review of and recommendations concerning the relationship between federal, state, and local governments and the private sector in planning and carrying out ocean and coastal activities;

(F) A review of opportunities for the development of or investment in new products, technologies or markets related to ocean and coastal activities;

(G) A review of previous and ongoing state and federal efforts to enhance the effectiveness and integration of ocean and coastal activities;

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of executive agencies necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources;

(I) A review of the effectiveness and adequacy of existing federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS. In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic and scientific factors.

(4) LIMITATIONS. The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW

(1) NOTICE. Before submitting the final report to the Congress, the Commission shall:

(A) Publish in the federal Register a notice that a draft report is available for public review; and

(B) Provide a copy of the draft report to the governor of each coastal state, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS. The Commission shall include in the final report comments received from the governor of a coastal state regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW. Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) **TERMINATION.** The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) **AUTHORIZATION OF APPROPRIATIONS.** There is authorized to be appropriated to carry out this section a total of \$6,000,000 for the 3-fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SECTION. 4. NATIONAL OCEAN POLICY

(a) **NATIONAL OCEAN POLICY.** Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) **COOPERATION AND CONSULTATION.** In the process of developing proposals for submission under subsection (a), the President shall consult with state and local governments and non-federal organizations and individuals involved in ocean and coastal activities.

SECTION. 5. BIENNIAL REPORT

Beginning in September 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other federal programs and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SECTION. 6. DEFINITIONS

In this Act:

(1) **MARINE ENVIRONMENT.** The term "marine environment" includes:

(A) The oceans, including coastal and offshore waters;

(B) The continental shelf; and

(C) The Great Lakes.

(2) **OCEAN AND COASTAL RESOURCE.** The term "ocean and coastal resource" means any living or non-living natural, historic or cultural resource found in the marine environment.

(3) **COMMISSION-** The term "Commission" means the Commission on Ocean Policy established by section 3.

SECTION. 7. EFFECTIVE DATE

This Act shall become effective on January 20, 2001.

Approved August 7, 2000.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

5. Ukraine

Order of 29 June 1955, No. 283, and
Regulations on the Customs Control over the Transit of Foreign-going Vessels
through the Customs Border of Ukraine⁵

[Translated from Russian]

State Customs Committee of Ukraine

Order of 29 June 1955, No. 283

Approval of the Regulations on the Customs Control over the Transit of Foreign-going Vessels through the Customs Border of Ukraine

Registered at the Ministry of Justice of Ukraine on 12 July 1995 under 217/753

In order to ensure and regulate the organization of appropriate customs control in the ports of Ukraine open for the reception of foreign vessels, and in accordance with articles 3, 23, 25, 29, 31, 35, 37, 38 and 52 of the Customs Code of Ukraine,

I ORDER:

1. The approval of the Regulations on the Customs Control over the Transit of Foreign-going Vessels through the Customs Border of Ukraine (attached);
2. Heads of Customs Houses whose areas of operation include sea and river ports open for the reception of foreign ships (Rivne, Izmayil, Belgorod-Dniester, Ilichevsk, Odessa, Grigory, Nikolaevsky, Kherson, Yevpatoriya, Sevastopol, Yalta, Feodisiya, Kerch, Berdyansk, Marinpol, Kiev, Kiev (specialized), Cherkasy, Poltava, Dnepropetrovsk, Zaporizhya) to transmit the Regulations on the Customs Control over the Transit of Foreign-going Vessels through the Customs Border of Ukraine (hereinafter referred to as the Regulations) to relevant organizations;
3. The Head of Management (Yashchuk V.I.), after the Regulations have been registered by the State at the Ministry of Justice of Ukraine, to ensure the printing and dispatch of the Regulations to customs offices and to the State Committee for Protection of the State Border, the Ministry of Transport, the Ministry of Foreign Affairs and the Ministry of Defence of Ukraine;
4. The Press Centre (Yeremenko O.V.) to ensure the publication of the Regulations on the Customs Control over the Transit of Foreign-going Vessels through the Customs Border of Ukraine in the mass information media;
5. The monitoring of compliance with this Order shall be the responsibility of the Deputy Chairman of the Committee, Yegorov A. B.

Yu. Kravchenko, Chairman of the Committee

⁵ Transmitted by note No. 3.2.2/21-438/64 of 21 February 2000 from the Permanent Mission of Ukraine to the United Nations.

**Regulations on the Customs Control over the Transit of Foreign-going Vessels
through the Customs Border of Ukraine**

1. General provisions

1.1. The Regulations on the Customs Control over the Transit of Foreign-going Vessels through the Customs Border of Ukraine (hereinafter referred to as the Regulations) establish a unified system for customs procedures on the transit of foreign vessels, goods and other entities across the customs border of Ukraine at crossing points located in maritime (river) ports.

These Regulations shall be in force in the customs territory of Ukraine, including structures in the maritime economic zone, and shall be put into effect by all State organs and their officials, as well as by all legal entities and natural persons.

1.2. The terms used in these regulations have the following meanings:

1.2.1. “*Foreign-going vessels*” — any craft arriving at or leaving the customs territory of Ukraine;

1.2.2. “*Goods*” — any product passing across a customs border of Ukraine, including products covered by intellectual property rights, services or work and which are the subject of purchase, sale or exchange;

1.2.3. “*Items*” — any items that are transferred across a customs border of Ukraine;

1.2.4. “*Currency and valuables*” — Ukrainian currency, foreign currency, securities and other valuables, as specified and defined by the legislation of Ukraine, that are transferred across a customs border of Ukraine;

1.2.5. “*Persons*” — legal entities, in other words enterprises, establishments and organizations, as well as natural persons;

1.2.6. “*Carrier*” — a person who actually transports goods and other items and/or passengers, or is responsible for the utilization of foreign-going vessels;

1.2.7. “*Customs clearance*” — the process of placing certain resources, goods and items under the appropriate customs regime and completing the operation of that regime in accordance with the requirements of the customs legislation of Ukraine;

1.2.8. “*Customs control*” — the totality of measures taken by officials of the customs bodies of Ukraine to ensure compliance with Ukrainian customs legislation, as well as with other Ukrainian legislation and Ukraine’s international treaties, control over the performance of which is a responsibility of the customs bodies of Ukraine;

1.2.9. “*Warship*” — a vessel belonging to the armed forces of any State, having external markings which identify the vessel’s nationality, which is under the command of an officer who is in the service of the Government of the said State and whose name is recorded in the corresponding list of military personnel or equivalent document, and which has a crew that is subject to regular military discipline.

Vessels in the service of the Ukrainian Navy (manned by a military crew and/or a civilian team forming part of the seagoing personnel of the Ukrainian Navy) shall be regarded as military vessels irrespective of whether the person in charge of the vessel is a commander (an officer) or a master.

1.2.10. “*Ship’s agent*” — a person (whether a legal entity or a natural person) who performs specific functions to assist the administration of a vessel in complying with its obligations in port and protecting the interests of a shipowner on his instructions and on his behalf.

1.3. Ukrainian and foreign vessels, goods and other items passing a State (customs) border of Ukraine in accordance with the legislation of Ukraine shall be subject to customs control.

1.4. The customs control of foreign-going maritime (or river) craft, goods and other items on board shall be carried out at crossing points of the State boundary of Ukraine.

Sanitary, veterinary and phytosanitary, radiological and ecological controls, controls on the export from the territory of Ukraine of cultural objects, and other controls, shall be carried out at crossing points of the State boundary of Ukraine.

1.5. At crossing points of the State boundary of Ukraine at maritime (or river) ports, customs shall establish customs control areas by agreement with the Frontier Forces of Ukraine.

The regime in the customs control areas shall be established by customs in the interests of creating the necessary conditions for the full implementation of customs procedures. The regime shall regulate the system for the stay and movement in these areas of persons, means of transport, goods and other items, and shall prohibit the access of outsiders to the sites under customs control.

1.6. The customs control of vessels arriving from abroad (or going abroad) shall be carried out by a commission formed from representatives of the Ukrainian Frontier Forces checkpoint, the customs, sanitary, quarantine and other establishments which carry out the control at crossing points of the State boundary of Ukraine in accordance with the legislation of Ukraine, and also the administration of the port (or ship's agent). In the case of clearance procedures for tankers, the membership of the commission may include representatives of the fire service.

In the case of clearance procedures for passenger vessels, representatives of tourist firms organizing a cruise may, when necessary, be invited on board together with the commission.

The commission shall be convened by the port administration and/or by the ship's agent, which shall make arrangements for the arrival on board the vessel of the members of the commission to carry out their proscribed functions, and for their return to their establishments.

1.7. The customs control of vessels arriving from abroad (or departing abroad) shall be carried out at moorings in the port or, by agreement with the customs and the Frontier Forces checkpoint, in the roadstead.

At each crossing point over the State boundary of Ukraine, the port administration and the State organs taking part in the control in accordance with the legislation of Ukraine shall work out the procedures for such control with a view to coordinating their joint action.

The customs control of vessels arriving from abroad shall take place after the border control and that for vessels leaving for abroad shall take place before the start of the border control.

The mooring places for completion of customs clearance, unloading and loading vessels and embarking and disembarking passengers shall be determined by the port administration by agreement with the customs authorities and the Frontier Forces checkpoint. Except in the event of accident or natural disaster, a change in the mooring place shall be made only with the consent of the Frontier Forces checkpoint and the customs.

While the customs control of vessels is taking place, tugs, cranes, launches and other floating craft shall be forbidden to approach the vessel.

1.8. The customs clearance of foreign-going vessels shall be carried out around the clock in the order of their arrival. Passenger vessels shall be cleared in accordance with the schedule for the movement of such vessels as agreed with the customs and the border forces checkpoint.

The port administration (or ship's agent) shall give notice of the time of arrival of vessels in port and of their departure from the port no later than two hours prior to the arrival of foreign-going vessels in port (or their departure from port).

1.9. Visits to a vessel by persons other than members of the commission shall be allowed only after the commission has completed its work. Visits to the vessel while the commission is at work shall be prohibited, except in the case of officials where the exigencies of the service so require and with the permission of the persons in charge of the border and customs details.

All persons who are to visit a vessel while the commission is at work must go through a customs control by declaring information (orally or in writing) in accordance with the customs declaration.

2. Customs clearance of foreign-going vessels

The customs shall carry out the control of foreign-going vessels and of goods and other items carried on board in order to ensure that the organs, enterprises, persons and other legal entities of the State carry out the established procedures for the movement across the customs border of Ukraine of goods and other items and the payment of the necessary charges.

Customs clearance on arrival from abroad

2.1. The customs clearance of vessels arriving from abroad shall take place after the sanitary control.

2.2. Before customs clearance of foreign-going vessels begins, the master shall provide the customs with the following documents using forms of the Intergovernmental Maritime Consultative Organization (IMCO) or forms under the Bratislava Agreement on International Carriage of Goods on the River Danube (specimen forms are attached):

The general declaration (attachment 1);

The cargo declaration (attachment 2);

The crew list (attachment 3);

The passenger list (attachment 4);

The cargo documents (bills of lading, cargo schedules, manifests) (attachment 5);

The crew members' customs declaration (attachment 6, 6a);

The list of ship's stores (attachment 7).

2.2.1. **General declaration** (IMCO form) — a document giving general information about the vessel. In table 16 a declaration must be made concerning the presence on board of firearms, and of narcotics in the ship's pharmacy, and also information about the vessel's treasury.

In the case of river vessels, a written statement is provided by the master for each craft forming part of the barge train.

2.2.2. **Cargo declaration** (IMCO form) — must contain information on the cargo on board the vessel. The cargo declaration is drawn up separately on arrival and departure.

2.2.3. **Crew list** (IMCO form) — a list of the members of the vessel's crew.

2.2.4. **Passenger list** (IMCO form) — a list of passengers on board the vessel.

2.2.5. **General customs declaration** (IMCO form) — a document indicating the standard items, and items prohibited for carriage, in the possession of the crew, together with currency and valuables (may be declared on a separate list).

The crew members of Ukrainian foreign-going vessels fill out individual customs declarations instead of one general declaration. Ukrainian citizens who are joining the crew of foreign vessels also fill out individual customs declarations.

2.2.6. **List of ship's stores** (IMCO form) — a list of tobacco products, wines and spirits, certain provisions and industrial goods as well as shipboard allowances, fuel and lubricants which are on board the vessel on arrival in port.

2.3. Customs clearance for foreign-going vessels, depending on displacement and function, takes the following times:

	<i>Displacement tonnage</i>		
(a) Clearance on arrival/ departure of foreign-going cargo vessels, industrial fishing vessels, etc.	Up to 5,000 tons — 1.5 hours	Up to 20,000 tons — 2.5 hours	Over 20,000 tons — 3.0 hours
	<i>Passenger-carrying capacity</i>		
(b) Clearance on arrival/ departure of foreign-going passenger vessels	Up to 300 persons — 3.0 hours	Up to 500 persons — 3.5 hours	Over 500 persons — 4.0 hours

The customs clearance of river vessels with a barge train takes up to three hours. That time may not be shortened to the detriment of customs clearance and control procedures. If contraband is discovered or customs regulations have been infringed, customs shall be entitled to extend the clearance time until the circumstances have been clarified.

The time at which the customs officers begin work shall be taken to be the time at which the master hands over all documents in accordance with paragraph 2.2 of these Regulations.

2.4. A representative of the vessel must be present during customs clearance of the vessel's accommodation and non-accommodation spaces, the goods on board and the property and personal effects of members of the crew. The master, through authorized members of the crew, must, at the request of the customs, allow access to all accommodation and other spaces on the vessel.

2.5. During the clearance process, the customs personnel shall verify the accuracy of the data declared in the documents (para. 2.2 of these Regulations). Spaces on board containing goods or other items which are not allowed across the customs boundary of Ukraine shall be sealed or secured.

Where customs security measures have been imposed, affidavits confirming the acceptance by the vessel's administration of items into its safekeeping shall be drawn up and shall be signed by authorized representatives of both sides.

2.6. Items of technical equipment purchased by Ukrainian vessels abroad shall be released on submission by the shipowner of a customs cargo declaration and the payment of the necessary duty on the basis of invoices.

Duty shall not be payable on items of technical equipment purchased abroad by Ukrainian vessels which are stated by the shipowner to be part of the operating expenses of the vessel, provided such items are used on board the vessel and may not be removed to the customs territory of Ukraine.

On the arrival of Ukrainian vessels built abroad, the shipowner must submit a customs cargo declaration to customs in respect of the vessel and pay the required charges on the basis of the acceptance and transfer certificates.

2.7. Ukrainian vessels arriving in port without having called at any foreign ports and without having approached foreign vessels, shall be cleared on the basis of documents. In that event, the administration of the vessel shall submit to customs a certificate stating that, during its voyage, the vessel did not call at any foreign ports or approach foreign-going vessels.

Customs clearance on departure abroad

2.8. Before clearance on the departure of a vessel abroad begins, the master shall submit to the customs:

- The cargo declaration (attachment 2);
- The crew list (attachment 3);
- The passenger list (attachment 4);
- The cargo documents (bills of lading, cargo manifests) (attachment 5);
- The crew members' customs declaration (attachment 6, 6a).

In clearing a foreign-going vessel for departure, the universal IMCO ship's document forms, as listed in paragraph 2.2 of these Regulations, shall be used.

2.9. In the customs clearance process on the departure of a foreign-going vessel, the customs personnel shall verify the data given in the documents (paras. 2.2 and 2.8 of these Regulations) and in some respects their correspondence to actual situation on board the vessel.

2.10. Currency and securities contained in the vessel's safes shall be exported in accordance with the currency regulations in force in Ukraine.

Currency and securities exported in a vessel's safes must be declared in writing:

In the certificate signed by the master (for Ukrainian vessels);

In the general customs declaration (currency schedule) of the crew (for foreign vessels).

Currency and securities shall be exported in the safes of vessels in accordance with procedures specified in the legislation in force.

2.11. Provisions required as food for the crew of a vessel and supplied by shipping agents (or ship chandlers) in Ukrainian ports to foreign vessels, and also provisions that are exported on board Ukrainian foreign-going passenger vessels for serving to passengers, are released without a licence on a general basis, subject to completion of a customs cargo declaration and the payment of the appropriate customs charges.

2.12. On the departure of foreign-going ships to another Ukrainian port, the cargo declaration shall be annotated for the benefit of customs in the port of destination concerning the cargo operations that were completed in the port of departure, the cargoes carried on board, customs security measures imposed, and other information necessary for customs control. The cargo declaration certified by customs shall be handed to the master for transmission to customs in the port of destination.

The agreement of customs to the departure of the vessel to another Ukrainian port shall be indicated in the crew list: "*Customs have no objection to the departure of the vessel.*"

The entry shall be certified by the personal numerical stamp of the customs inspector.

2.13. The agreement of customs shall not be required if the vessel leaves port temporarily for reasons of *force majeure* or in order to render assistance to vessels or people.

3. Warships

3.1. Foreign warships flying a naval military flag, and warships flying the flag of the Ukrainian Navy or the flag of maritime units of the Frontier Forces of Ukraine shall not be subject to customs inspection.

The commanders of such warships and Ukrainian naval vessels shall be responsible for compliance by members of the crew with the customs legislation of Ukraine.

3.2. Foreign warships during their navigation and stay in the territorial sea and internal waters of Ukraine shall be obliged to comply with the customs regulations.

3.3. Persons present on board foreign warships who are not members of their crews must pass through customs control on coming ashore in ports of Ukraine.

The senior naval officer commanding the military garrison in a Ukrainian port town shall notify the commander of any foreign warship on board which there are persons who are not members of the crew concerning the rules on customs control in Ukrainian ports, and shall also inform the nearest customs office.

3.4. Cargoes and other items unloaded from foreign warships in the customs territory of Ukraine shall be subject to customs control.

4. Customs control of the effects of physical persons being transported by water

4.1. Customs control of the personal effects of passengers travelling on board foreign-going vessels shall, as a rule, take place in customs inspection halls, and their luggage shall be inspected at the warehouses at the transport organizations in the presence of the owners of the luggage or their authorized agents. In individual cases, when so decided by customs, such control shall take place on board the vessel.

4.2. Prior to the beginning of the customs inspection, every passenger of 16 years of age or more shall complete a customs declaration.

Only cruise passengers who remain on board in Ukrainian ports and go ashore only for short excursions are relieved of the obligation to complete a declaration. The general IMCO form for currency and valuables is applicable to them.

4.3. Passengers arriving from abroad by sea may disembark by authorization of the senior officers of border and customs control after the master of the vessel has submitted the necessary documents for customs clearance.

Passengers departing abroad may go on board after customs clearance of their personal effects. Cleared luggage shall be loaded on board under customs supervision.

5. Customs clearance of goods and other items transported on foreign-going vessels

On import from abroad

5.1. The unloading of goods and items from vessels arriving from abroad shall take place with the authorization of the customs establishment and under its supervision in accordance with the accompanying cargo documents (bills of lading and manifests).

5.2. Imported and transit goods and other items may only be unloaded to the warehouses of ports and to transport facilities located in customs control areas.

5.3. If, in the process of customs clearance or unloading, packages are discovered to be damaged or damp, or show signs of coming unpacked, or if goods or other items are discovered to have been delivered without documents, have not been declared by the carrier or are shown not to correspond to the cargo documents (markings that are unclear, symbols and numbers that do not correspond, short weight, etc.), such goods shall be inspected as a matter of urgency by customs in the presence of representatives of the organizations concerned — the carrier, the port and, where necessary (for example in order to determine the customs value) the Chamber of Trade and Industry. Unpacking and repacking of packages shall be at the expense of the carrier.

On the discovery of defects, appropriate general certificates shall be prepared which may subsequently serve as a basis for customs in deciding whether to waive the payment of duty or to reduce the level of the duty charged.

5.4. The release of imported goods and other items, either for free circulation in the territory of Ukraine or for subsequent transit to other countries, shall take place on the basis of processed customs cargo declarations.

5.5. The removal of goods and other items from the territory of ports shall take place on the written authorization of customs on the accompanying cargo documents in the form of an entry to the following effect: "*Authorized for removal from the territory of the port.*" The entry shall be certified by the personal numerical stamp of the customs inspector.

On export abroad

5.6. Before the commencement of loading onto a foreign-going vessel of goods and other items, the freight forwarder shall furnish the customs office with an order for each consignment of goods. As a basis for loading, an export (transit) customs goods declaration and the documents accompanying the goods shall also be provided, together with the order. After checking that the data in the orders are in accordance with the customs goods declarations and the bills of lading, the customs officer shall make an entry - "Checked" - which he shall certify with the customs inspector's personal numerical stamp. He shall then return the order to the freight forwarder.

5.7. Orders envisaged for a specific ship and previously marked with a customs visa shall be consolidated into a schedule of goods, as the consignment to be shipped accumulates, and resubmitted to the customs. The schedule of goods, which is an application for loading, shall contain the following data:

Name of the ship;

Port of departure and port of destination;

Name and quantity of the cargo;

Marking of cargo consignments;

Number of the order.

After verification by the customs inspector, an entry - "*Authorized for loading*" - shall be made and shall be certified with the customs inspector's personal numerical stamp. One copy of the schedule of goods shall remain in customs and shall serve as a control document in the process of loading the ship.

5.8. In order to prevent the export of goods not declared to customs, customs shall monitor loading onto a foreign-going vessel as prescribed by the Customs Code of Ukraine.

5.9. After loading is completed, the freight forwarder shall submit the bills of lading and manifests for the release of the goods and other items for shipment abroad. After they have been collated with the schedules of goods and the customs cargo declarations drawn up earlier, the customs inspector shall stamp the manifests "*Under customs control/Export*" and shall also affix his personal numerical stamp indicating that the goods and other items have been released for shipment abroad.

5.10. The port administration shall authorize the departure of a foreign-going vessel from the port after completion of all types of control on the vessel.

C. Treaties

1. United States of America - Mexico

Treaty between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 Nautical Miles⁶

The Government of the United States of America and the Government of the United Mexican States (hereinafter “the Parties”);

Considering that the maritime boundaries between the Parties were determined on the basis of equidistance for a distance between twelve and two hundred nautical miles seaward from the baselines from which the breadth of the territorial sea is measured in the Gulf of Mexico and the Pacific Ocean by the Treaty on Maritime Boundaries between the United States of America and the United Mexican States, signed on May 4, 1978 (the “1978 Treaty on Maritime Boundaries”);

Recalling that the maritime boundaries between the Parties were determined on the basis of equidistance for a distance of twelve nautical miles seaward from the baselines from which the breadth of the territorial sea is measured by the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, signed on November 23, 1970;

Desiring to establish, in accordance with international law, the continental shelf boundary between the United States of America and the United Mexican States in the Western Gulf of Mexico beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

Taking into account the possibility that there could exist petroleum or natural gas reservoirs that extend across that continental shelf boundary, and the need for cooperation and periodic consultation between the Parties in protecting their respective interests in such circumstances; and

Considering that the practice of good-neighbourliness has strengthened the friendly and cooperative relations between the Parties:

Have agreed as follows:

Article I

The continental shelf boundary between the United States of America and the United Mexican States in the Western Gulf of Mexico beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be determined by geodetic lines connecting the following coordinates:

- | | | |
|----|---------------|---------------|
| 1. | 25°42'14.1"N | 91°05'25.0"W. |
| 2. | 25°39'43.1"N. | 91°20'31,2"W. |
| 3. | 25°36'46.2"N. | 91°39'29.4"W. |
| 4. | 25°37'01.2"N. | 91°44'19.1"W. |
| 5. | 25°37'50.7"N. | 92°00'35.5"W. |

⁶ Not yet in force. Source: United States Department of State.

6.	25°38'13.4"N.	92°07'59.3"W.
7.	25°39'22.3"N.	92°31'40.4"W.
8.	25°39'23.8"N.	92°32'13.7"W.
9.	25°40'03.2"N	92°46'44.8"W.
10.	25°40'27.3"N.	92°55'56.0"W.
11.	25°42'37.2"N.	92°57'16.0"W.
12.	25°46'33.9"N.	92°59;41.5"W.
13.	25°48'45.2"N.	93°03'58.9"W.
14.	25°51'51.0"N.	93°10'03.0"W.
15.	25°54'27.4"N.	93°15'09.9"W.
16.	25°59'49.3"N.	93°26'42.5"W.

Article II

1. The geodetic and computational bases used to determine the boundary set forth in article 1 are the 1983 North American Datum ("NAD83") and the international Earth Rotation Service's Terrestrial Reference Frame ("ITRF92").
2. For purposes of article 1:
 - (a) NAD83 and ITRF92 shall be considered to be identical; and
 - (b) Boundary points numbers 1 and 18 are, respectively, boundary points GM.E-1 (25°42'13.05"N., 91°05'24.89"W.) and GM.W-4 (25°59'48.28"N., 93°26'42.19"W.) of the 1978 Treaty on Maritime Boundaries. These points, which were originally determined with reference to the 1927 North American Datum-NAD27, have been transformed to the NAD83 and ITRF92 datums.
3. For the purpose of illustration only, the boundary line in article I is drawn on the map that appears as annex 1 to this Treaty.⁷

Article III

South of the continental shelf boundary set forth in article I, the United States of America shall not, and north of said boundary, the United Mexican States shall not, claim or exercise for any purpose sovereign rights or jurisdiction over the seabed and subsoil.

⁷ For technical reasons, the annex is not reproduced.

Article IV

1. Due to the possible existence of petroleum or natural gas reservoirs that may extend across the boundary set forth in article I (hereinafter referred to as “transboundary reservoirs”), the Parties, during a period that will end ten (10) years following the entry into force of this Treaty, shall not authorize or permit petroleum or natural gas drilling or exploitation of the continental shelf within one and four tenths (1.4) nautical miles of the boundary set forth in article I. (This two and eight tenths (2.8) nautical mile area hereinafter shall be referred to as “the Area”.)
2. For the purpose of illustration only, the Area set forth in paragraph 1 is drawn on the map that appears as annex 2 to this Treaty.⁸
3. The Parties, by mutual agreement through an exchange of diplomatic notes, may modify the period set forth in paragraph 1.
4. From the date of entry into force of this Treaty with respect to the Area on its side of the boundary set forth in article I, each Party, in accordance with its national laws and regulations, shall facilitate requests from the other Party to authorize geological and geophysical studies to help determine the possible presence and distribution of transboundary reservoirs.
5. From the date of entry into force of this Treaty, with respect to the Area in its entirety, each Party, in accordance with its national laws and regulations, shall share geological and geophysical information in its possession in order to determine the possible existence and location of transboundary reservoirs.
6. From the date of entry into force of this Treaty, if a Party has knowledge of the existence or possible existence of a transboundary reservoir, it shall notify the other Party.

Article V

1. With respect to the Area in its entirety, during the period set forth in paragraph 1 of article IV:
 - (a) As geological and geophysical information is generated that facilitates the Parties’ knowledge about the possible existence of transboundary reservoirs, including notifications by Parties in accordance with paragraph 5 of article IV, the Parties shall meet periodically for the purpose of identifying, locating and determining the geological and geophysical characteristics of such reservoirs;
 - (b) The Parties shall seek to reach agreement for the efficient and equitable exploitation of such transboundary reservoirs; and
 - (c) The Parties shall, within sixty days of receipt of a written request by a Party through diplomatic channels, consult to discuss matters related to possible transboundary reservoirs.
2. With respect to the Area in its entirety, following the expiry of the period set forth in paragraph 1 of article IV:
 - (a) A Party shall inform the other Party of its decisions to lease, license, grant concessions or otherwise make available, portions of the Area for petroleum or natural gas exploration or development and shall also inform the other Party when petroleum or natural gas resources are to commence production; and
 - (b) A Party shall ensure that entities it authorizes to undertake activities within the Area shall observe the terms of the Treaty.

⁸ For technical reasons, the annex is not reproduced.

Article VI

Upon written request by a Party through diplomatic channels, the Parties shall consult to discuss any issue regarding the interpretation of implementation of this Treaty.

Article VII

The continental shelf boundary established by this Treaty shall not affect or prejudice in any manner the positions of either Party with respect to the extent of internal waters, of the territorial sea, of the high seas or of sovereign rights or jurisdiction for any other purpose.

Article VIII

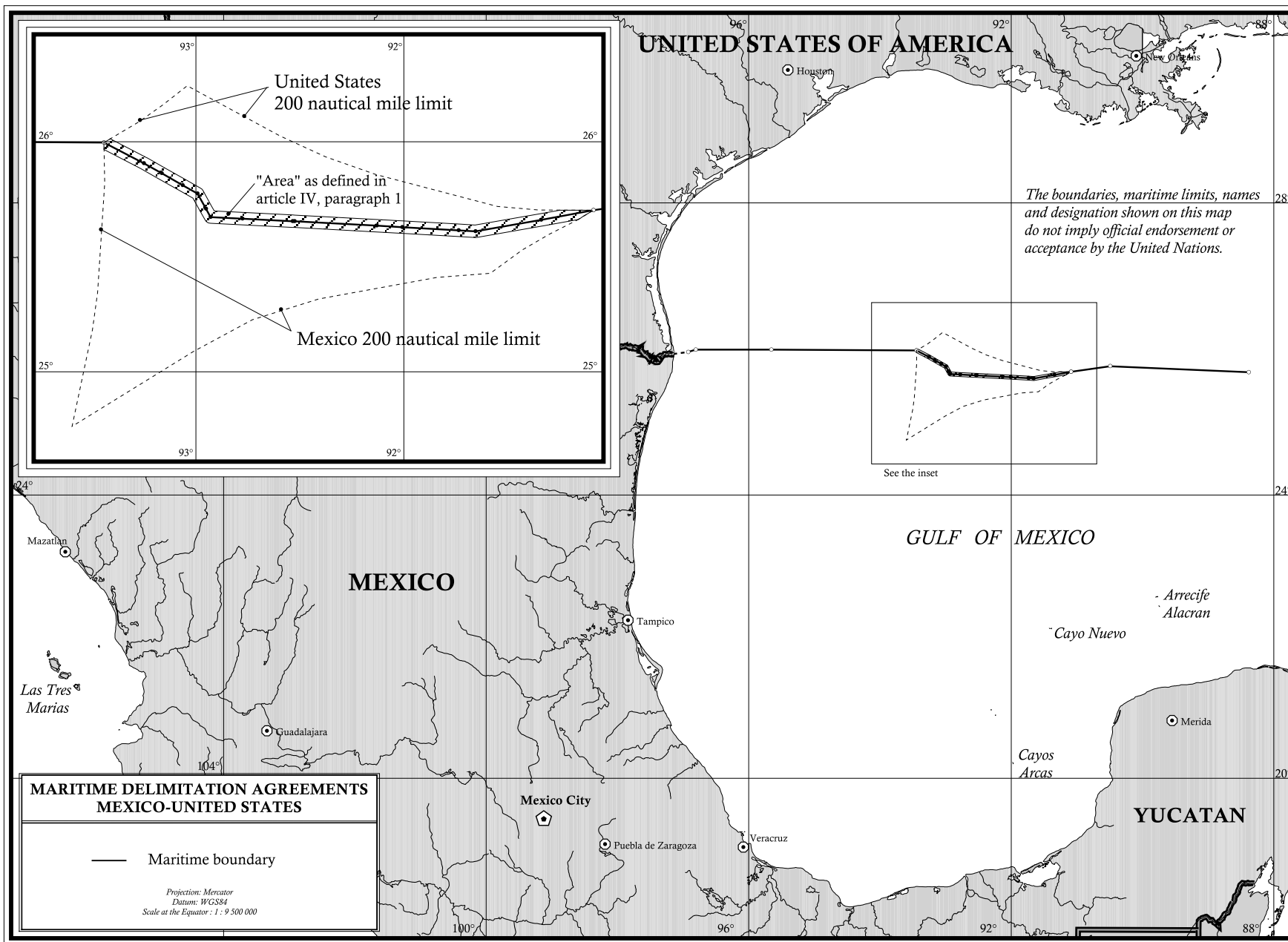
Any dispute concerning the interpretation or application of this Treaty shall be resolved by negotiation or other peaceful means as may be agreed upon by the Parties.

Article IX

This Treaty shall be subject to ratification and shall enter into force on the date of the exchange of instruments of ratification.

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

DONE at Washington, D.C. this ninth day of June 2000, in duplicate, in the English and Spanish languages, both texts being equally authentic.



D. Recent judgements, orders, and arbitral awards

1. International Tribunal for the Law of the Sea:
Order in the “Southern Bluefin Tuna” cases (Nos. 3 and 4)

On 30 July 1999, Australia and New Zealand filed with the Registry of the International Tribunal for the Law of the Sea Requests for the prescription of provisional measures under article 290, paragraph 5, of the United Nations Convention on the Law of the Sea in the disputes between Australia and Japan and between New Zealand and Japan concerning southern bluefin tuna.

The provisional measures requested included the cessation of Japan’s experimental fishing programme, the restriction of future catches by Japan, a requirement to follow the precautionary principle in further fishing and other Orders which should protect the rights of the parties.

The Tribunal, after deliberations on the applications of both Australia and New Zealand, decided to join the applications. On 27 August 1999, the Tribunal issued an Order by which it found that it had jurisdiction over the dispute.

The Tribunal further prescribed, pending a decision of the arbitral tribunal, the following measures:

(a) Australia, Japan and New Zealand shall each ensure that no action is taken which might aggravate or extend the disputes submitted to the arbitral tribunal;

(b) Australia, Japan and New Zealand shall each ensure that no action is taken which might prejudice the carrying out of any decision on the merits which the arbitral tribunal may render;

(c) Australia, Japan and New Zealand shall ensure, unless they agree otherwise, that their annual catches do not exceed the annual national allocations at the levels last agreed by the parties of 5,265 tonnes, 6,065 tonnes and 420 tonnes, respectively; in calculating the annual catches for 1999 and 2000, and without prejudice to any decision of the arbitral tribunal, account shall be taken of the catch during 1999 as part of an experimental fishing programme;

(d) Australia, Japan and New Zealand shall each refrain from conducting an experimental fishing programme involving the taking of a catch of southern bluefin tuna, except with the agreement of the other parties or unless the experimental catch is counted against the annual national allocation as prescribed in subparagraph (c);

(e) Australia, Japan and New Zealand should resume negotiations without delay with a view to reaching agreement on measures for the conservation and management of southern bluefin tuna;

(f) Australia, Japan and New Zealand should make further efforts to reach agreement with other States and fishing entities engaged in fishing for southern bluefin tuna, with a view to ensuring conservation and promoting the objective of optimum utilization of the stock.

The Tribunal also decided that that each party should submit the initial report referred to in article 95, paragraph 1, of the Rules of the Tribunal not later than 6 October 1999, and authorized the President of the Tribunal to request such further reports and information as he might consider appropriate after that date.

It further decided, in accordance with article 290, paragraph 4, of the United Nations Convention on the Law of the Sea and article 94 of the Rules of the Tribunal, that the provisional measures prescribed in its Order shall forthwith be notified by the Registrar through appropriate means to all States Parties to the Convention participating in the fishery for southern bluefin tuna.

Vice-President Wolfrum, Judges Caminos, Marotta Rangel, Yankov, Anderson and Eiriksson appended a joint declaration to the order of the Tribunal. Judge Warrioba appended a declaration to the Order of the Tribunal.

Judges Laing and Treves appended separate opinions to the Order of the Tribunal. Judges Yamamoto and Park appended a joint separate opinion to the Order of the Tribunal. Judge ad hoc Shearer appended a separate opinion to the Order of the Tribunal. Judges Vukas and Eiriksson appended dissenting opinions to the Order of the Tribunal. The integral text of the Order, as well as declarations and separate and dissenting opinions, are available at the United Nations web site: <http://www.un.org/Depts/los>.

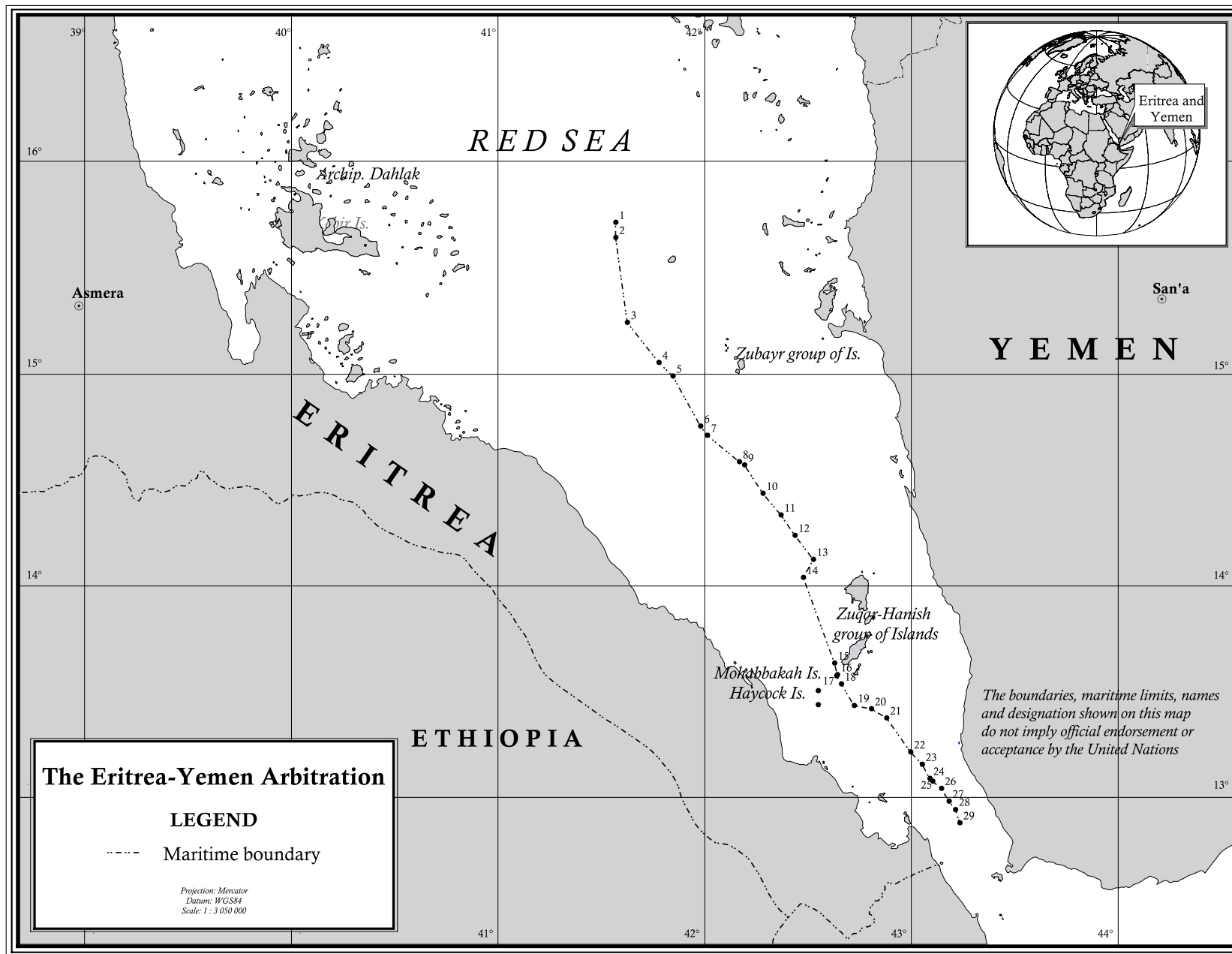
2. Eritrea - Yemen Arbitration:
Award in phase II: Maritime delimitation, 17 December 1999

The Award in the second stage of the arbitration was rendered pursuant to an arbitration agreement dated 3 October 1996 (the "Arbitration Agreement") between the Government of the State of Eritrea ("Eritrea") and the Government of the Republic of Yemen ("Yemen"). The arbitral tribunal found in the case that the international maritime boundary between Eritrea and Yemen was a series of geodetic lines joining, in the order specified, the following points, which are defined in degrees, minutes and seconds of geographic latitude and longitude, based on the World Geodetic System 1984 (WGS 84):

Turning Point	Latitude	Longitude
1	15° 43' 10" N	41° 34' 06" E
2	15° 38' 58" N	41° 34' 05" E
3	15° 15' 10" N	41° 37' 31" E
4	15° 04' 00" N	41° 46' 43" E
5	15° 00' 12" N	41° 50' 42" E
6	14° 46' 06" N	41° 58' 47" E
7	14° 43' 30" N	42° 00' 42" E
8	14° 36' 05" N	42° 10' 02" E
9	14° 35' 14" N	42° 11' 35" E
10	14° 27' 16" N	42° 16' 54" E
11	14° 21' 11" N	42° 22' 04" E

Turning Point	Latitude	Longitude
12	14° 15' 23" N	42° 26' 09" E
13	14° 08' 39" N	42° 31' 33" E
14	14° 03' 39" N	42° 28' 39" E
15	13° 39' 30" N	42° 37' 39" E
16	13° 36' 13" N	42° 38' 30" E
17	13° 35' 51" N	42° 38' 14" E
18	13° 33' 38" N	42° 39' 37" E
19	13° 27' 28" N	42° 43' 25" E
20	13° 26' 39" N	42° 48' 21" E
21	13° 24' 01" N	42° 52' 47" E
22	13° 14' 23" N	42° 59' 47" E
23	13° 10' 54" N	43° 03' 03" E
24	13° 06' 57" N	43° 05' 21" E
25	13° 06' 08" N	43° 06' 06" E
26	13° 04' 05" N	43° 08' 42" E
27	13° 00' 27" N	43° 10' 54" E
28	12° 58' 10" N	43° 12' 45" E
29	12° 54' 23" N	43° 13' 58" E

The complete text of the Award is available at the web site of the Permanent Court of Arbitration: <http://www.pca-cpa.org/>.



3. International Tribunal for the Law of the Sea: Judgment in the “Camouco” case

On 17 January 2000, an Application under article 292 of the United Nations Convention on the Law of the Sea was filed with the Registry of the International Tribunal for the Law of the Sea on behalf of Panama against France concerning the prompt release of the *Camouco* and its Master. The dispute concerned the arrest in September 1999 of the fishing vessel *Camouco* by a French frigate allegedly for unlawful fishing in the exclusive economic zone of Crozet (French Southern and Antarctic Territories). The vessel had been flying the Panamanian flag and had been detained together with its master by French authorities on the island of Reunion. On 7 February 2000, the Tribunal ordered that France should promptly release the *Camouco* and its Master upon the posting of a bond. It also determined that the bond should be eight million French francs (FF 8,000,000) to be posted with France, and that the bond should be in the form of a bank guarantee or, if agreed to by the parties, in any other form.

Judges Mensah, Laing, and Ndiaye appended declarations to the judgment of the Tribunal. Vice-President Nelson appended his separate opinion to the judgment of the Tribunal. Judges Anderson, Vukas, Wolfrum, and Treves appended dissenting opinions to the judgment of the Tribunal.

The integral text of the judgment, as well as declarations and separate and dissenting opinions, are available at the United Nations web site: <http://www.un.org/Depts/los>.

4. Arbitral award in the “Southern Bluefin Tuna” case

On 4 August 2000, a five-member international arbitral tribunal rendered its award on jurisdiction and admissibility in the “Southern Bluefin Tuna” case (Australia and New Zealand v. Japan). At the request of the parties and the arbitral tribunal, the International Centre for Settlement of Investment Disputes (ICSID), one of the five organizations that make up the World Bank Group in Washington, administered the proceedings.

One of the main issues before the arbitral tribunal was whether it had jurisdiction over the merits of the dispute. Japan argued that the dispute had arisen solely under the 1993 Convention on the Conservation of Southern Bluefin Tuna (“1993 Convention”) and that therefore it could not be compelled to arbitrate the merits of the dispute under the United Nations Convention on the Law of the Sea (“UNCLOS”). Furthermore, Japan contended that under article 282 of UNCLOS parties could avoid compulsory dispute settlement if another treaty to which they were parties governed the case and excluded it. The arbitral tribunal held that a dispute could arise under more than one treaty and did indeed in the present case, in keeping with article 30(3) of the 1969 Vienna Convention on the Law of Treaties, thus rejecting the claim by Japan that the dispute concerned only the 1993 Convention. Nonetheless, the arbitral tribunal sustained Japan’s contention that a provision in the 1993 Convention excluded compulsory jurisdiction over disputes arising both under it and UNCLOS and held that the parties were involved in a single dispute arising under both Conventions. In that connection, the arbitral tribunal held that the meaning and intent of the dispute settlement provision of the 1993 Convention was to exclude procedures for compulsory settlement under UNCLOS.

As a result, the arbitral tribunal, by vote of 4 to 1, decided that it was without jurisdiction to rule on the merits of the dispute; and decided unanimously, in accordance with article 290(5) of the United Nations Convention on the Law of the Sea, that provisional measures in force by Order of the International Tribunal for the Law of the Sea prescribed on 27 August 1999 were revoked from the day of the signature of the Award. A separate opinion was appended to the Award by Justice Sir Kenneth Keith.

The full text of the Award and the separate opinion are posted on the ICSID web site at: <http://www.worldbank.org/icsid/bluefintuna/main.htm>.

III. OTHER INFORMATION

Corrigenda to Bulletin No. 42

Page 28, article 8, second paragraph, should read:

Article 8

...

The Minister may order another manner of navigation for foreign merchant ships on the internal waters if this is required by the interests of the country's defence or the safety of navigation.

Page 29, article 12, second paragraph, should read:

Article 12

...

Detailed regulations concerning the navigation and stay of foreign yachts and foreign boats intended for pleasure, sports and recreation in the internal waters and their stay in the territorial sea of the Republic of Croatia shall be prescribed by the Minister.

Page 31, article 17, should read:

Article 17

The foreign waterborne craft that due to *force majeure* or distress at sea has been compelled to take refuge in the internal waters of the Republic of Croatia shall without delay inform of the circumstance the nearest harbour harbourmaster's office or harbourmaster's branch office.

Page 85, article 310, fifth paragraph, should read:

Article 310

...

In exception to the provision of paragraph 1 of this article the harbourmaster's office keeping the register of ships may, after being granted justifiable reasons, allow entry into the register of ships on the basis of the certificate of deregistration of a ship from a foreign register of ships sent by a facsimile message, provided also that a time limit is determined for the submission of the original document.

