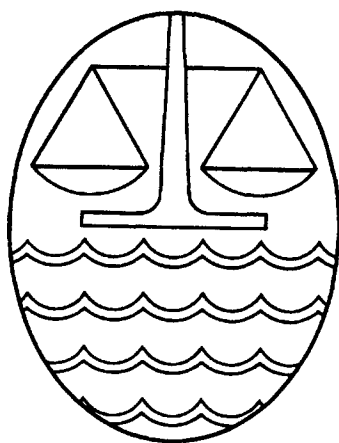


Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Law of the Sea



Bulletin No. 45



United Nations
New York, 2001

NOTE

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

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
PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN















CONTENTS

	<u>Page</u>
I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.....	1
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
1. Table recapitulating the status of the Convention and of the related Agreements, as at 31 March 2001	1
2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 March 2001	11
(a) The Convention.....	11
(b) Agreement relating to the implementation of Part XI of the Convention.....	12
(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	13
II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA	14
A. National legislation.....	14
1. Norway:.....	14
(a) Act No. 72 of 29 November 1996 relating to petroleum activities	14
(b) Act No. 42 of 13 June 1997 relating to the Norwegian Coast Guard (Coast Guard Act)	37
2. Australia: Proclamation under the Seas and Submerged Lands Act 1973, 29 August 2000 .	45
3. Belgium:	47
(a) Act on protection of the marine environment and ocean space under Belgian jurisdiction, 20 January 1999.....	47
(b) Act amending the Judicial Code, to protect the marine environment and ocean space under Belgian jurisdiction, 28 February 1999.....	67
B. Bilateral treaties.....	68
Treaty between the Federal Republic of Nigeria and the Republic of Equatorial Guinea concerning their maritime boundary, 23 September 2000.....	68
C. Multilateral treaties.....	70
1. Framework Agreement for the Conservation of the Living Marine Resources on the High Seas of the South-eastern Pacific (“Galapagos Agreement”), 14 August 2000	70
2. Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 5 September 2000	79
D. Recent judgements.....	112
International Tribunal for the Law of the Sea: Judgement in the the "Monte Confurco" (No. 6) Case (Seychelles v. France) - Application for prompt release.....	112
III. OTHER INFORMATION	114
Table of claims to maritime jurisdiction.....	114

I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

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 31 March 2001






























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	157 (☐35)	135 (☐49)	79	100	59 (☐5)	27 (☐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.
































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)
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 <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)
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						
<i>European Community</i>	☐	☐1 April 1998 (fc)		1 April 1998(fc)	☐	

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)
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		

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)
Israel						
Italy	☐	☐ 13 January 1995		13 January 1995		^{4/}
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						









































⁴ On 4 June 1999, the Government of Italy informed the Secretary-General that "Italy intends to withdraw the instrument of ratification it deposited on 4 March 1999, in order to proceed subsequently to complete that formality in conjunction with all the States members of the European Union."






















































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)
Lithuania						
Luxembourg		5 October 2000		5 October 2000		^{5/}
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)		
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						






























⁵ On 21 December 2000, the Government of Luxembourg informed the Secretary-General of the following:









“The Permanent Mission of the Grand Duchy of Luxembourg had indeed received instructions to deposit the instrument of ratification of the above-mentioned Agreement with the Secretary-General of the United Nations; this was done on 5 October 2000. It turned out, however, that deposit on that date was premature since, in accordance with decision 98-414-CE of the Council of the European Union, of 8 June 1998, the instrument was to be deposited simultaneously with the instruments of ratification of all States members of the European Union.

“Accordingly, I should be grateful if you would note that Luxembourg wishes to withdraw the instrument of ratification deposited on 5 October 2000. A simultaneous deposit of the instruments of the Community and of all member States is to take place subsequently.”

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)
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						
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)		

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)
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		
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		
Switzerland						

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)
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
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				

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)
Yugoslavia	⁶	☐12 March 2001 (s)		28 July 1995 (sp) ⁷		
Zambia		7 March 1983		28 July 1995 (sp)		
Zimbabwe		24 February 1993		28 July 1995 (sp)		
TOTALS	157 (☐35)	135 (☐48)	79	100	59 (☐5)	27 (☐6)

⁶ The former Yugoslavia had signed and ratified the Convention on 10 December 1982 and 5 May 1986, respectively.

⁷ The former Yugoslavia had signed the Agreement and notified the Secretary-General that it had selected the application of the simplified procedure set out in articles 4 (3) (c) and 5 of the Agreement, on 12 May 1995 and 28 July 1995, respectively. On 12 March 2001, the Secretary-General received from the Government of Yugoslavia a notification confirming the signature and the notification of application of the simplified procedure under article 5.

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 March 2001

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

86. Georgia (21 March 1996)
87. France (11 April 1996)
88. Saudi Arabia (24 April 1996)
89. Slovakia (8 May 1996)
90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)
121. Portugal (3 November 1997)
122. South Africa (23 December 1997)
123. Gabon (11 March 1998)
124. European Community (1 April 1998)
125. Lao People's Democratic Republic (5 June 1998)
126. Suriname (9 July 1998)
127. Nepal (2 November 1998)
128. Belgium (13 November 1998)
129. Poland (13 November 1998)
130. Ukraine (26 July 1999)
131. Vanuatu (10 August 1999)
132. Nicaragua (3 May 2000)
133. Maldives (7 September 2000)
134. Luxembourg (5 October 2000)
135. Yugoslavia (12 March 2001)

(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)

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

A. National legislation

1. Norway

- (a) Act No. 72 of 29 November 1996 relating to petroleum activities¹

CHAPTER 1. INTRODUCTORY PROVISIONS

Section 1-1. The right to subsea petroleum deposits and resource management

The Norwegian State has the proprietary right to subsea petroleum deposits and the exclusive right to resource management.

Section 1-2. Resource management

Resource management is executed by the King in accordance with the provisions of this Act and decisions made by the Storting (Parliament).

Resource management of petroleum resources shall be carried out in a long-term perspective for the benefit of the Norwegian society as a whole. In this regard the resource management shall provide revenues to the country and shall contribute to ensuring welfare, employment and an improved environment, as well as to the strengthening of Norwegian trade and industry and industrial development, and at the same time take due regard to regional and local policy considerations and other activities.

Section 1-3. Requirements relating to licence, etc.

None other than the State may conduct petroleum activities without the licences, approvals and consents required pursuant to this Act. Provisions otherwise in the Act and regulations issued pursuant to the Act shall apply to such activities insofar as they are appropriate.

Section 1-4. Scope of application

This Act applies to petroleum activities in connection with subsea petroleum deposits under Norwegian jurisdiction. The Act also applies to petroleum activities inside and outside the realm and the Norwegian continental shelf to the extent such application follows from international law or from agreement with a foreign State.

The Act does not apply to utilization of produced petroleum when such utilization takes place on Norwegian land territory or seabed subject to private property rights.

¹ Text communicated by the Permanent Mission of Norway to the United Nations on 6 November 2000.

When a pipeline located in Norwegian internal waters, in Norwegian territorial sea or on the continental shelf starts outside Norwegian jurisdiction, the King may, to the extent this follows from international law, decide which provisions of this Act shall apply to such pipeline with associated equipment.

As regards liability for pollution damage according to Chapter 7 and damage arisen as a result of pollution and waste according to Chapter 8, the special provisions laid down in those chapters shall apply.

The Act does not apply to Svalbard, including its internal waters and territorial sea.

The King may issue further regulations to supplement or delimit the provisions of this section.

Section 1-5. Other Norwegian law

Norwegian law other than this Act, including provisions relating to licences, consents or approvals required according to the legislation, shall also be applicable to petroleum activities. This applies unless otherwise warranted by an Act, a decision by the King, international law or agreement with a foreign State.

Notwithstanding the above, other Norwegian law shall not apply to mobile facilities under foreign flag other than those that are permanently placed, unless otherwise stipulated by an Act or by a decision made by the King in Council.

Section 1-6. Definitions

In this Act the following definitions shall apply:

- (a) "Petroleum" - all liquid and gaseous hydrocarbons existing in their natural state in the subsoil, as well as other substances produced in association with such hydrocarbons;
- (b) "Petroleum deposit" - an accumulation of petroleum in a geological unit, limited by rock characteristics by structural or stratigraphic boundaries, contact surface between petroleum and water in the formation, or a combination of these, so that all the petroleum comprised everywhere is in pressure communication through liquid or gas. In cases of doubt, the Ministry will determine what shall be regarded as a petroleum deposit;
- (c) "Petroleum activity" - all activities associated with subsea petroleum deposits, including exploration, exploration drilling, production, transportation, utilization and decommissioning, including planning of such activities, but not including transport of petroleum in bulk by ship;
- (d) "Facility" - installation, plant and other equipment for petroleum activities, however, not supply and support vessels or ships that transport petroleum in bulk. "Facility" also comprises pipeline and cable unless otherwise provided;
- (e) "Exploration" - geological, petrophysical, geophysical, geochemical and geotechnical activities, including shallow drilling, as well as operation and use of a facility to the extent it is used for the purpose of exploration;
- (f) "Exploration drilling" - drilling of wildcat and appraisal wells, as well as operation and use of a facility to the extent it is used for the purpose of exploration drilling;
- (g) "Production" - production of petroleum, including drilling of production wells, injection, improved recovery, treatment and storage of petroleum for transport, and shipment of petroleum for transport by ship, as well as the construction, placing, operation and use of a facility for the purpose of production;
- (h) "Transportation" - shipment of petroleum by pipeline as well as the construction, placing, operation and use of a facility for the purpose of transportation;
- (i) "Utilization" - cooling in order to liquefy gas, refining and petrochemical activity, production and transmission of electric power and other use of produced petroleum, storage of petroleum as well as the construction, placing, operation and use of a facility for the purpose of utilization;

(j) "Licensee" - physical person or body corporate, or several such persons or bodies corporate, holding a licence according to this Act or previous legislation to carry out exploration, production, transportation or utilization activities. If a licence has been granted to several such persons jointly, the term "licensee" may comprise the licensees collectively as well as the individual licensee;

(k) "Operator" - anyone executing on behalf of the licensee the day-to-day management of the petroleum activities;

(l) "Continental shelf" - the seabed and subsoil of the submarine areas that extend beyond the Norwegian territorial sea, throughout the natural prolongation of the Norwegian land territory to the outer edge of the continental margin, but no less than 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, however, not beyond the median line in relation to another State.

CHAPTER 2. EXPLORATION LICENCE

Section 2-1. Granting of exploration licence, etc.

The Ministry may grant to a body corporate a licence to explore for petroleum within limited areas of the seabed or its subsoil. An exploration licence may also be granted to a physical person domiciled in a European Economic Area (EEA) State.

The exploration licence gives the right to explore for petroleum. It does not give exclusive right to exploration in those areas that are mentioned in the licence, nor any preferential right when production licences are granted. A production licence may be granted to others, or a licence may be granted according to section 4-3 in areas covered by exploration licences, without giving rise to any liability or any obligation to refund fees that have been paid.

An exploration licence is granted for a period of three calendar years unless another period of time is stipulated.

The Ministry may authorize a licensee holding an exploration licence to undertake other exploration activities.

The King may issue regulations relating to the contents of an application for an exploration licence, the scope of such licence, the further conditions of the licence and the fee to be paid.

Section 2-2. The area covered by the exploration licence

The exploration licence shall state the area covered by the licence. The exploration licence does not give any right to exploration in areas covered by production licences, unless otherwise decided by the Ministry in accordance with section 3-11.

CHAPTER 3. PRODUCTION LICENCE ETC.

Section 3-1. Opening of new areas

Prior to the opening of new areas with a view to granting production licences, an evaluation shall be undertaken of the various interests involved in the relevant area. In this evaluation, an assessment shall be made of the impact of the petroleum activities on trade, industry and the environment, and of possible risks of pollution, as well as the economic and social effects that may be a result of the petroleum activities.

The opening of new areas is a matter which shall be put before local public authorities, central trade and industry associations and other organizations which may be presumed to have a particular interest in the matter.

Furthermore, it shall be made known through public announcement which areas are planned to be opened for petroleum activities, and the nature and extent of the activities in question. Interested parties shall be given a period of time of no less than three months to present their views.

The Ministry decides on the administrative procedure to be followed in each individual case.

Section 3-2. Division of the continental shelf

Offshore areas inside the outer boundary of the continental shelf are divided into blocks of 15 latitude minutes and 20 longitude minutes in size, unless adjacent land areas, common boundaries with the continental shelf of other States, or other circumstances warrant otherwise.

Section 3-3. Production licence

The King in Council may, on conditions to be further stipulated, grant a production licence. A production licence may cover one or several blocks or parts of blocks.

A production licence may be granted to a body corporate established in conformity with Norwegian legislation and registered in the Norwegian Register of Business Enterprises, insofar as other requirements are not applicable pursuant to international agreements. Production licence may also be granted to a physical person domiciled in a state of the European Economic Area (EEA).

A production licence entails an exclusive right to exploration, exploration drilling and production of petroleum deposits in areas covered by the licence. The licensee becomes the owner of the petroleum which is produced.

The King may stipulate as a condition for granting a production licence that the licensees shall enter into agreements with specified contents with one another.

Section 3-4. Agreements with a view to applying for a production licence

Cooperation agreements entered into with a view to applying for a production licence shall be submitted to the Ministry. The Ministry may require alterations to be made in such agreements.

Section 3-5. Announcement and granting of a licence

Prior to the granting of a production licence, the Ministry shall, as a rule, announce the area for which applications for production licences may be submitted.

The announcement shall be published through notification in The Norwegian Gazette (Norsk Lysingsblad) and the Official Journal of the European Communities. The notification shall stipulate a time limit for the filing of applications of not less than 90 days, and it shall contain such information as decided by the Ministry.

The granting of a production licence shall be done on the basis of factual and objective criteria, and the requirements and conditions stated in the notification. The King is not obliged to grant any production licence on the basis of the applications received.

The King may grant production licences without announcement. Prior to such granting of a production licence, the licensees of production licences in all adjacent areas shall be given the opportunity to apply for a production licence for the area in question. Notification shall be published in The Norwegian Gazette (Norsk Lysingsblad) and the Official Journal of the European Communities indicating the blocks which are affected.

Further regulations about the content of an application for production licence, and about the payment of application fees, are issued by the King.

Section 3-6. State participation

The King may decide that the Norwegian State shall participate in petroleum activities according to this Act.

Section 3-7. Operator

When granting a production licence, the Ministry shall appoint or approve an operator.

Change of operator must be approved by the Ministry. When warranted for particular reasons, the Ministry may undertake the change of operator.

If the Ministry appoints or approves an operator who is not a licensee according to the production licence, the provisions concerning the obligations of the licensee established in or pursuant to this Act shall apply correspondingly to the operator unless otherwise specifically provided. Notwithstanding the above, an operator who is not a licensee according to the production licence shall not be responsible under section 5-4, second paragraph.

Section 3-8. Work obligation

The King may impose on the licensee a specific work obligation for the area covered by the production licence.

Section 3-9. The duration of a production licence, etc.

The production licence shall be granted for up to 10 years. If the production licence is granted for a shorter period of time, the Ministry may subsequently extend the licence period within the 10 years' limit.

A licensee who has fulfilled the work commitment according to section 3-8 and the conditions otherwise applicable to the individual production licence, may demand that the licence be extended after the expiry of the period stipulated, pursuant to the first paragraph. The extension period shall be stipulated in the individual production licence, and shall as a general rule be up to 30 years, but may in specific cases be up to 50 years.

When granting a licence, the King shall stipulate what part of the area covered by the production licence for which the licensee may demand an extension pursuant to the second paragraph. The size of the area stipulated according to the first sentence shall as a rule constitute 50 per cent of the area covered by the production licence, notwithstanding that the licensee shall be entitled to keep at least 100 square kilometres. The Ministry may on application consent to the licensee keeping more than the area stipulated when the licence is granted according to this provision.

The King may issue regulations relating to delimitation of the areas to be relinquished according to the third paragraph.

The Ministry may, on application from the licensee and when particular reasons so warrant, extend the production licence in excess of the extension according to the second paragraph. Application for extension must have been submitted no later than five years prior to the expiry of the production licence, unless otherwise approved or decided by the Ministry. The Ministry stipulates the conditions for such particular extension.

Section 3-10. Dividing the area of a production licence

The Ministry may on application from a licensee approve that part of the area covered by the production licence is partitioned off and grant a separate production licence for the area partitioned off.

The King may issue regulations relating to delimitation of the area partitioned off.

Section 3-11. Right for others to exploration

The Ministry may, in specific cases, grant to someone other than the licensee the right to carry out exploration in an area covered by a production licence. The Ministry shall determine the kind of exploration that may be carried out and the duration of the activities.

Section 3-12 Right for others to place facilities, etc.

A licensee cannot oppose the laying of pipelines, cables or wires of various kinds, or the placing of other facilities on, in or above the area covered by the production licence. Such facilities must not cause unreasonable inconvenience to the licensee.

The provision of the first paragraph applies correspondingly to necessary route and soil surveys prior to such placement.

Section 3-13. Natural resources other than petroleum resources, etc.

A production licence does not preclude the granting to others than the licensee of rights to undertake exploration for and production of natural resources other than petroleum resources, provided it does not cause unreasonable inconvenience to the petroleum activities conducted by a licensee pursuant to the production licence. The same applies to scientific research.

If there has been any discovery of natural resources other than petroleum resources in an area covered by a production licence, and if continued activities cannot take place without causing unreasonable inconvenience to the petroleum activities conducted by the licensee pursuant to the production licence, the King shall decide which of the activities shall be postponed, and, if applicable, to what extent. In so deciding, account shall be taken of the nature of the discovery made, investments undertaken, the stage the activities have reached, the duration and extent of the activities and their economic and social impact, etc., seen in relation to the activities conducted pursuant to the production licence.

Anyone subject to postponement of his activities may require extension of the licence for a period of time corresponding to the postponement. If the postponement only applies to a limited part of the activities which may be conducted pursuant to the licence, the Ministry may stipulate a shorter period for the extension, decide that extension shall not be granted or that extension shall only be granted for part of the area to which the licence applies.

If the postponement has the effect that the work obligation imposed according to section 3-8 cannot be accomplished within the stipulated time limit, the time limit shall be extended to the extent necessary.

If the petroleum activities are postponed, the area fee for the extension period shall be waived or reduced according to the discretionary judgement of the Ministry. Fees which have been paid in advance shall not be refunded.

If the postponement according to the second paragraph must be assumed to be of particularly long duration, the relevant licence may instead be revoked.

The King may decide that the party authorized to maintain his activities shall wholly or partly refund to the party that has to postpone or curtail his activities the costs incurred and, to a reasonable extent, cover other losses.

Section 3-14. Relinquishment of areas

The licensee may during the period mentioned in section 3-9, first paragraph, with three months' notice, relinquish parts of the area covered by the production licence. Thereafter, relinquishment of parts of the area may take place at the end of each calendar year, provided notice of such relinquishment has been given at least three months in advance. The Ministry may require the obligations stipulated according to the production licence and the conditions on which it has been granted to be fulfilled prior to relinquishment.

The King may issue regulations relating to the delimitation of relinquished areas.

Section 3-15. Surrender of a production licence

The licensee may during the period mentioned in section 3-9, first paragraph, with three months' notice, surrender a production licence in its entirety. Thereafter, surrender may take place at the end of each calendar year, provided notice of such surrender has been given at least three months in advance. The Ministry may require the obligations stipulated according to the production licence and the conditions on which it has been granted to be fulfilled prior to surrender.

CHAPTER 4. PRODUCTION, ETC., OF PETROLEUM

Section 4-1. Prudent production

Production of petroleum shall take place in such a manner that as much as possible of the petroleum in place in each individual petroleum deposit, or in several deposits in combination, will be produced. The production shall take place in accordance with prudent technical and sound economic principles and in such a manner that waste of petroleum or reservoir energy is avoided. The licensee shall carry out continuous evaluation of production strategy and technical solutions and shall take the necessary measures in order to achieve this.

Section 4-2. Plan for development and operation of petroleum deposits

If a licensee decides to develop a petroleum deposit, the licensee shall submit to the Ministry for approval a plan for the development and operation of the petroleum deposit.

The plan shall contain an account of economic aspects, resource aspects, technical, safety-related, commercial and environmental aspects, as well as information as to how a facility may be decommissioned and disposed of when the petroleum activities have ceased. The plan shall also comprise information on facilities for transportation or utilization comprised by section 4-3. In the event that a facility is to be placed on the territory, the plan shall in addition provide information about what applications for licences, etc., have been submitted according to other applicable legislation.

The Ministry may, when particular reasons so warrant, require the licensee to produce a detailed account of the impact on the environment, possible risks of pollution and the impact on other affected activities, in respect of a larger defined area.

If the development is planned in two or more stages, the plan shall, to the extent possible, comprise the total development. The Ministry may limit the approval to apply to individual stages.

Substantial contractual obligations must not be undertaken, nor construction work be started, until the plan for development and operation has been approved, unless by consent from the Ministry.

The Ministry may on application from a licensee waive the requirement to submit a plan for development and operation.

The Ministry shall be notified of and shall approve any significant deviation or alteration of the terms and preconditions on which a plan has been submitted or approved. The Ministry may require a new or amended plan to be submitted for approval.

Section 4-3. Specific licence to install and to operate facilities for transport and utilization of petroleum

The Ministry may on specified conditions grant a specific licence to install and to operate facilities for transport and utilization of petroleum. Applications shall be submitted containing a plan for the construction, placing, operation and use of such facilities, including shipment facilities, pipelines, liquefaction facilities, facilities for generation and transmission of electric power and other facilities for transportation or utilization of petroleum. A licence is granted for a fixed period of time which may, on application from the licensee, be extended by the Ministry.

The provisions of section 4-2, with the exception of the first and fifth paragraphs, shall apply to the extent decided by the Ministry.

Section 4-4. Stipulation of production schedule, etc.

The Ministry shall, prior to or concurrently with approval pursuant to section 4-2 or a licence being granted pursuant to section 4-3, approve the production schedule. A production schedule other than that which follows from section 4-1 may be stipulated if warranted by resource management considerations or other significant social considerations.

Burning of petroleum in excess of the quantities needed for normal operational safety shall not be allowed unless approved by the Ministry.

Upon application from the licensee, the Ministry shall stipulate, for fixed periods of time, the quantity which may be produced, injected or cold-vented at all times. An application shall be submitted at such times and shall have such contents as decided by the Ministry. The Ministry shall base this stipulation on the production schedule on which the development plan is based, unless new information on the deposit or other circumstances warrant otherwise.

When necessary for weighty social reasons, the King in Council may, for an individual petroleum deposit or several petroleum deposits, stipulate other production schedules than those stipulated or approved pursuant to the first and third paragraphs, and may in this connection order improved recovery. If the decision according to this paragraph is to the effect that production shall be reduced in relation to the production schedule stipulated or approved, the Ministry shall endeavour to apportion to a reasonable extent the reduction proportionately between the relevant petroleum deposits. In the event of such apportionment, special consideration shall be given to long-term agreements for the supply of gas and to petroleum deposits which in part are situated on the continental shelf of another State.

Upon application from the licensee, the Ministry may approve test production of a petroleum deposit. Duration, quantity and other conditions for such test production shall be decided by the Ministry.

The Ministry may require the licensee to produce a report on field-related matters, including alternative schemes for production and, if applicable, injection, and the total recovery factor for various production schedules.

Section 4-5. Postponement of exploration drilling and development

The Ministry may decide that exploration drilling or development of a deposit shall be postponed.

The provisions relating to extension of the licence, extension of the time limit set for implementing the work obligation and payment of the area fee during the extension period in section 3-13, third, fourth and fifth paragraphs, shall apply accordingly.

Section 4-6. Preparation, commencement and continuation of production

The Ministry may make a decision to require preparation, commencement or continuation of production, and hereunder, that ongoing production shall be continued or increased, when this is economically beneficial to society, when necessary to develop an efficient transportation system or to ensure efficient utilization of facilities comprised by sections 4-2 and 4-3. Such decision may also be made if it is efficient for reservoir engineering reasons, or when it is desirable that two or more petroleum deposits are produced in conjunction with each other, or when warranted by other significant social reasons.

If the decision according to the first paragraph is to the effect that production shall be prepared or commenced, the licensee shall be given a period of two years to present a plan according to section 4-2 and a progress schedule. If the decision is to the effect that production shall be continued, the licensee shall be given a period of no less than six months to present a plan for implementation.

If the plan according to the second paragraph is not submitted prior to expiry of the time limit, or if the licensee informs the Ministry that he will not prepare, commence or continue production of the deposit, or if the licensee without plausible reason and in spite of an order to such effect fails to take the necessary steps to implement the plan, the Ministry may initiate measures to commence or continue production, and in this connection revoke the production licence or parts of the area of the production licence to the extent this is considered necessary to achieve efficient production. The same shall apply if the licensee presents a plan which the Ministry does not consider to be satisfactory, provided that the licensee shall nevertheless be given a period of at least six months to present an amended plan.

If the production licence is revoked pursuant to the third paragraph, the licensee's costs for exploration and exploration drilling in connection with the deposit in question shall be reimbursed by the State.

Section 4-7. Joint petroleum activities

If a petroleum deposit extends over more than one block with different licensees, or onto the continental shelf of another State, efforts shall be made to reach agreement on the most efficient coordination of petroleum activities in connection with the petroleum deposit as well as on the apportionment of the petroleum deposit. This shall apply similarly when, in the case of several petroleum deposits, joint petroleum activities would obviously be more efficient.

Agreements on joint exploration drilling shall be submitted to the Ministry. Agreements on joint production, transportation, utilization and cessation of petroleum activities shall be submitted to the Ministry for approval. If consensus on such agreements is not reached within a reasonable time, the Ministry may determine how such joint petroleum activities shall be conducted, including the apportionment of the deposit.

Section 4-8. Use of facilities by others

The Ministry may decide that facilities comprised by sections 4-2 and 4-3, and which are owned by a licensee, may be used by others, if so warranted by considerations for efficient operation or for the benefit of society, and the Ministry deems that such use would not constitute any unreasonable detriment of the licensee's own requirements or those of someone who has already been assured the right of use.

Any agreement on the use of facilities comprised by sections 4-2 and 4-3 shall be submitted to the Ministry for approval. The Ministry may on approving an agreement according to the first sentence, or in the event that no such agreement is reached within a reasonable period of time, as well as in the case of an order according to the first paragraph, stipulate tariffs and other conditions which will ensure the implementation of projects with due regard to resource management considerations, and which will provide the owner of the facility with a reasonable profit taking into account, among other things, investments and risks.

Section 4-9. Area fee, production fee, etc.

The licensee shall pay a fee for a production licence, after expiry of the period stipulated pursuant to section 3-9, first paragraph, first sentence, calculated per square kilometre (area fee).

The licensee shall furthermore pay a fee calculated on the basis of the quantity and value of petroleum produced at the shipment point of the production area (production fee). With regard to petroleum which is injected, exchanged or stored prior to being delivered to be taken ashore or used for consumption, the production fee shall be calculated on the basis of the quantity and value of the petroleum at the shipment point for the original production area at the time when the petroleum according to contract is delivered to be taken ashore or used for consumption. Nevertheless, a production fee shall not be paid for petroleum produced from deposits where the development plan is approved or where the requirement to submit a plan for development and operation is waived after 1 January 1986.

When granting a production licence, a non-recurring fee (cash bonus) may be levied and there may be stipulated a fee which shall be calculated on the basis of production volume (production bonus).

The Ministry may with six months' notice decide that the production fee shall be paid wholly or partly in the form of produced petroleum. The Ministry may in such cases require the licensee to make sure that such petroleum is transported, processed, stored and made available at prices, priority and other conditions which are no less favourable than the terms applicable to the licensee's own petroleum from the relevant production area. The Ministry may, with six months' notice, decide that the fee shall again be paid in cash.

Petroleum which the State is entitled to receive as production fee, and the State's right to transportation, processing and storage of such petroleum may be transferred to others. Such transfer shall relieve the State of future obligations.

The King may issue regulations relating to the size of the fees and bonuses mentioned in the first, second and third paragraphs and on the method of calculation, including provisions on stipulation of the value which shall form the basis for the calculation, on metering of the petroleum, e.g., for fiscal purposes, and on information which the licensee shall provide about the production. The King may determine that the fees mentioned in the first and second paragraphs shall not be paid wholly or partly, or that the duty to pay such fees shall be postponed.

Claims for fees with accrued interest and charges are grounds for enforcement of distraint.

Section 4-10. Landing of petroleum

The King decides where and in which way landing of petroleum shall take place.

Section 4-11. Supplies to cover national requirements

The King may decide that the licensee shall make deliveries from his production to cover national requirements, and provide transportation to Norway. The King may further decide to whom such petroleum shall be delivered.

A price shall be paid for the petroleum delivered, which shall be determined in the same way as the price which forms the basis for calculation of the production fee, with the addition of transportation costs. For the transportation, section 4-9, fourth paragraph, shall apply correspondingly. If agreement is not reached on the further terms of delivery, they shall be determined by the Ministry.

Section 4-12. Supplies in the event of war, threat of war, etc.

In the event of war, threat of war or other extraordinary crisis, the King may decide that a licensee shall place petroleum at the disposal of Norwegian authorities.

The provisions of section 4-11, second paragraph, shall apply correspondingly unless the particular situation warrants otherwise. In such a situation, the King shall with binding effect determine the price.

CHAPTER 5. CESSATION OF PETROLEUM ACTIVITIES

Section 5-1. Decommissioning plan

The licensee shall submit a decommissioning plan to the Ministry before a licence according to section 3-3 or section 4-3 expires or is surrendered, or the use of a facility is terminated permanently. The plan shall contain proposals for continued production or shutdown of production and disposal of facilities. Such disposal may, inter alia, constitute further use in the petroleum activities, other uses, complete or part removal or abandonment. The plan shall contain the information and evaluations deemed necessary in order to make a decision according to section 5-3. The Ministry may require further information and evaluations, or alternatively require a new or amended plan.

Unless the Ministry consents thereto or decides otherwise, the decommissioning plan shall be submitted at the earliest five years, but at the latest two years prior to the time when the use of a facility is expected to be terminated permanently. A corresponding time limit shall apply when a licence granted pursuant to sections 3-3 and 4-3 expires, provided the licence expires before the use of the facility is expected to be terminated permanently.

The Ministry may waive the requirement to submit a decommissioning plan.

In the event of revocation of a licence, the provisions of this section shall apply correspondingly to the extent they are suitable.

Section 5-2. Notification of termination of use

The licensee shall notify the Ministry of the time of termination if the use of the facility is expected to terminate permanently before the expiry of the licence.

Section 5-3. Decision relating to disposal

The Ministry shall make a decision relating to disposal and shall stipulate a time limit for implementation of the decision. In the evaluation on which the decision is based, emphasis shall, inter alia, be attached to technical, safety, environmental and economic aspects as well as to consideration for other users of the sea. The Ministry may stipulate specific conditions in connection with the decision.

The licensee and the owner are under obligation to make sure that a decision relating to disposal is carried out, unless otherwise decided by the Ministry. The obligation to carry out the decision relating to disposal is applicable even if this decision is made or is to be implemented after the expiry of the licence.

If the ownership of a facility has been transferred pursuant to section 10-12, the licensee and the owner are jointly under obligation to make sure that a decision relating to disposal is carried out, unless otherwise decided by the Ministry.

If the decision is to the effect that the facility shall continue to be used in the petroleum activities or for other purposes, the licensee, owner and user are jointly obliged to make sure that future decisions on disposal are carried out, unless otherwise decided by the Ministry.

If a decision relating to disposal is not carried out within the stipulated time limit, the Ministry may take necessary measures on behalf of the licensee or other responsible party, and for their account and risk. Costs of such measures are grounds for enforcement of distraint.

Use of a facility for purposes other than petroleum activities, complete or partial removal or abandonment cannot be decided under this Act for a facility onshore or on seabed subject to private property rights.

Section 5-4. Liability

Whoever is under obligation to implement a decision relating to disposal according to section 5-3 is liable for damage or inconvenience caused wilfully or negligently in connection with disposal of the facility or other implementation of the decision.

If the decision is for abandonment, the licensee or owner shall be liable for damage or inconvenience caused wilfully or inadvertently in connection with the abandoned facility, unless otherwise decided by the Ministry.

If there is more than one party liable according to the first or second paragraph, they shall be jointly and severally liable for financial obligations, unless otherwise decided by the Ministry.

In the event of decisions for abandonment, it may be agreed between the licensees and the owners on one side and the State on the other side that future maintenance, responsibility and liability shall be taken over by the State based on an agreed financial compensation.

Section 5-5. Encumbrances

In the event that the State requires removal of a facility, any liens, charges and encumbrances thereon shall lapse. The same applies if the State takes over the facility according to section 5-6; however, in such cases the rights of use established with the Ministry's consent shall remain in force.

Section 5-6. Takeover by the State

The State has a right to take over the licensee's fixed facility when a licence expires, is surrendered or revoked, or when the use of such facility has been terminated permanently.

The King decides with binding effect if and to what extent compensation shall be paid for the takeover.

In the event of takeover of a facility onshore or on seabed subject to private property rights, compensation shall be paid to the extent this follows from otherwise applicable rules.

If the State has confirmed that it wishes to exercise its right to take over fixed facilities, the takeover shall take effect six months after the time when the licence has expired, has lapsed for other reasons or the use of the facility has been terminated permanently, unless otherwise agreed or decided by the Ministry.

At the State takeover, the facility with appurtenances shall be in such condition as adequate maintenance to ensure functional capability for operation would require. Any dispute regarding this, and, if applicable, regarding the compensation to be paid to the State for lack of maintenance, shall be determined by appraisalment.

CHAPTER 6. REGISTRATION AND MORTGAGING

Section 6-1. Registration of licences

The Ministry shall keep a register of all production licences, called the Petroleum Register. The Ministry may by regulations decide that the register shall also comprise licences as mentioned in section 4-3.

Each licence shall be given a separate sheet in the register. The Ministry shall keep a journal of documents to be registered. The Ministry may issue further regulations on how the journal and the register shall be arranged and kept, on obligation of notification for the licensee in the event of transfer and other alterations in connection with the licence, and other aspects of the procedure for registration. This also includes provisions regarding fees that may be levied.

The rules contained in Act of 7 June 1935 No. 1 relating to Public Registration, chapters 2 and 3, shall apply correspondingly to the extent that they are suitable and unless otherwise provided by this Act or regulations issued pursuant to the Act.

Section 6-2. Mortgaging of licences

The Ministry may consent to the mortgaging by the licensee of an entire licence, or that the individual licensee mortgages his share of the licence as part of the financing of the activities associated with the licence. In special cases, the Ministry may allow the financing to include activities pursuant to a licence other than the one which is mortgaged.

When consent is granted to mortgaging according to the first paragraph, the Ministry may consent to allow forced sale and forced usage according to Act No. 86 of 26 June 1992 relating to enforcement of claims, to take place without any change in the terms of the licence.

Mortgaging according to this section will gain legal protection by registration in the Petroleum Register.

Section 6-3. Scope of the mortgage

Mortgaging of the entire licence according to section 6-2 comprises those rights which at any time follow from the licence as well as the mortgagor's other rights in connection with activities carried out in accordance with the licence.

The mortgage does not comprise rights in relation to facilities registered in another register of mortgages or rights in relation to facilities onshore or on the seabed subject to private property rights.

In addition, the mortgage does not comprise rights in relation to mobile construction machinery which may be mortgaged according to section 3-8 of the Mortgage Act or rights in relation to other chattels which may be registered in another register of mortgages. The rules of section 3-4 and section 3-7 of the Mortgage Act shall apply correspondingly to the extent they are suitable.

In the event of mortgaging of a participating interest in a licence according to section 6-2, the mortgage comprises the mortgagor's pro rata share of the total assets at any time linked with the licence as well as the mortgagor's other rights in connection with activities carried out in accordance with the licence.

Section 6-4. The rights of the mortgagee, etc.

The Ministry shall give the mortgagee notice in writing of revocation or surrender of a licence or of a participating interest in a licence together with the information that the mortgage will lapse if forced sale is not requested without undue delay. If forced sale is requested in time, a new licence may not be granted to the detriment of the mortgagee's rights.

Mortgage rights as mentioned in the first paragraph may not be transferred or mortgaged without the Ministry's consent. Similarly, it cannot without such consent be made the subject of distraint, arrest, debt settlement proceedings or be included in the mortgagee's estate in bankruptcy.

CHAPTER 7. LIABILITY FOR POLLUTION DAMAGE

Section 7-1. Definition

“Pollution damage” means damage or loss caused by pollution as a consequence of effluence or discharge of petroleum from a facility, including a well, and costs of reasonable measures to avert or limit such damage or such loss, as well as damage or loss as a consequence of such measures. Damage or loss incurred by fishermen as a consequence of reduced possibilities for fishing is also included in pollution damage.

Ships used for stationary drilling are regarded as a facility. Ships used for storage of petroleum in conjunction with production facilities are regarded as part of the facility. The same applies to ships for transport of petroleum during the time when loading from the facility takes place.

Section 7-2. Scope and applicable law

The provisions of this chapter are applicable to liability for pollution damage from a facility when such damage occurs in Norway or inside the outer limits of the Norwegian continental shelf or affects a Norwegian vessel, Norwegian hunting or catching equipment or Norwegian facility in adjacent sea areas. With regard to measures to avert or limit pollution damage, it is sufficient that damage may occur in such area.

The provisions of this chapter are also applicable to pollution damage from facilities used in petroleum activities according to this Act, when the damage occurs in onshore or offshore territory belonging to a State which has acceded to the Nordic Convention on Environment Protection of 19 February 1974.

The King may, irrespective of the provisions contained in this Act, by agreement with a foreign State issue rules relating to liability for pollution damage caused by petroleum activities pursuant to this Act. Such rules shall, however, not restrict the right to compensation according to this Act in respect of any injured party under Norwegian jurisdiction.

Section 7-3. The liable party and the extent of liability

The licensee is liable for pollution damage without regard to fault. The provisions relating to the liability of licensees apply correspondingly to an operator who is not a licensee when the Ministry has so decided in connection with the approval of operator status.

If there are several licensees under the licence and one of them is the operator, or if the Ministry has made a decision according to the first paragraph, claims for compensation shall initially be directed to the operator. If any part of the compensation is left unpaid on the due date by the operator, this part shall be covered by the licensees in accordance with their participating interest in the licence. If someone fails to cover his share, this shall be allocated proportionately between the others.

If it is demonstrated that an inevitable event of nature, act of war, exercise of public authority or a similar force majeure event has contributed to a considerable degree to the damage or its extent under circumstances which are beyond the control of the liable party, the liability may be reduced to the extent it is reasonable, with particular consideration to the scope of the activity, the situation of the party that has sustained damage and the opportunity for taking out insurance on both sides.

In the event of pollution damage from a facility located in an area outside the Norwegian continental shelf, the party which has approval from the competent authority to conduct the activities to which the facility is connected is regarded to be a licensee.

Section 7-4. Channelling of liability

The liability of a licensee for pollution damage may only be claimed pursuant to the rules of this Act.

Liability for pollution damage cannot be claimed against:

- (a) Anyone who by agreement with a licensee or his contractors has performed tasks or work in connection with the petroleum activities;
- (b) Anyone who has manufactured or delivered equipment to be used in the petroleum activities;
- (c) Anyone who undertakes measures to avert or limit pollution damage, or to save life or rescue values which have been endangered in connection with the petroleum activities, unless the measures are performed in conflict with prohibitions imposed by public authorities or are performed by someone other than public authorities in spite of express prohibition by the operator or the owner of the values threatened;
- (d) Anyone employed by a licensee or by someone mentioned under subparagraphs (a), (b) or (c).

If the licensee has been ordered to pay compensation for pollution damage, but fails to pay within the time limit stipulated by the judgement, the party that has sustained damage may bring action against the party that has caused the damage to the same extent as the licensee may bring action for recourse against the party causing the damage; cf. section 7-5.

The licensee may claim compensation from the party causing pollution damage to him to the same extent as the licensee may bring action for recourse against the party causing the damage, cf. section 7-5.

Section 7-5. Recourse

The licensee cannot claim recourse for pollution damage against someone exempted from liability pursuant to the rules of section 7-4 unless the person in question or someone in his service has acted wilfully or by gross negligence.

Recourse liability may be mitigated to the extent that this is considered reasonable in view of manifested conduct, economic ability and the circumstances in general.

The provisions contained in the Maritime Act No. 39 of 24 June 1994 relating to limitation of liability shall be applicable to the extent recourse is claimed against someone entitled to limitation of liability pursuant to the rules of the Maritime Act.

Any agreement on further recourse in respect of those against whom liability cannot be claimed pursuant to section 7-4, second paragraph, shall be invalid.

Section 7-6. Petroleum activities without a licence

If pollution damage occurs in a petroleum activity and the activity has been conducted without a licence, the party that has conducted the petroleum activity shall be liable for the damage regardless of fault. The same liability rests on others who have taken part in the petroleum activity and who knew, or should have known, that the activity was conducted without a licence.

Section 7-7. Public announcement. Preclusive notice

Unless the Ministry considers it obviously unnecessary, the operator shall without undue delay, by public announcement, provide information regarding the party to whom claims for compensation for pollution damage shall be directed and of the period of limitation.

Announcement shall take place by advertising twice with no less than one week's interval in The Norwegian Gazette (Norsk Lysingsblad) and in newspapers and other publications which are generally read in those places where damage is caused, or is presumed to occur.

With the Ministry's consent, possible claimants may be summoned by preclusive notice with the effect that claims which have not been presented within the expiry of the time limit set forth in the preclusive notice will lapse. The Ministry shall, in such event, give further rules regarding the notice and the length of the period for the preclusive notice, and may issue rules about the method of settlement.

Section 7-8. Legal venue

Legal action for compensation for pollution damage shall be brought before the courts in the court district where the effluence or discharge of petroleum has taken place or where damage has been caused.

The Ministry decides where the action shall be brought if:

- (a) The effluence or discharge has taken place or the damage has been caused outside the area of any court district;
- (b) It cannot be demonstrated within which court district the effluence or discharge has taken place or damage has been caused;
- (c) The effluence or discharge has taken place in one court district and the damage is caused in another court district;
- (d) Damage has been caused in more than one court district.

CHAPTER 8. SPECIAL RULES RELATING TO COMPENSATION TO NORWEGIAN FISHERMEN

Section 8-1. Scope of application and definitions

This chapter applies to compensation for financial losses incurred by Norwegian fishermen as a result of the petroleum activities occupying fishing fields or resulting in pollution and waste, or as a result of damage caused by a facility or actions in connection with the placing of a facility.

This chapter does not apply to pollution damage as mentioned in section 7-1.

The terms "pollution" and "waste" in this chapter are defined as pollution and waste as mentioned in Act No. 6 of 13 March 1981 relating to protection against pollution and relating to waste, section 6, first paragraph subsections 1 and 2, and section 27, first paragraph, respectively.

Norwegian fishermen are in this chapter defined as persons registered in the registration list of fishermen and owners of vessels listed in the registry of Norwegian fishing vessels subject to registration licences.

The provisions in the remaining chapters of the Act are also applicable to this chapter to the extent they are suitable and are not in conflict with the provisions of this chapter.

Section 8-2. Occupation of a fishing area

In the event of petroleum activities within an area entirely or partly occupying a fishing field, the State is obliged, to the extent that fishing becomes impossible or is substantially impeded, to award compensation in respect of any resulting financial loss.

Compensation may be set entirely or partly as a lump sum or as fixed annual payments. Compensation may normally not be claimed for losses that have occurred more than seven years after the occupation took place.

The State may claim recovery from the licensee if the licensee ought to have averted the loss.

Section 8-3. Pollution and waste

The licensee is liable, regardless of fault, in respect of financial losses incurred as a result of pollution and waste from the petroleum activities, and the cost of reasonable measures to avert or limit such damage or such loss, including damage or loss as a result of such measures.

The liability of the licensee pursuant to the first paragraph also includes damage and inconvenience due to pollution and waste as a result of supply vessel and support vessel traffic, as well as during relocation of the facility to or from the field concerned. The licensee has the right of recourse against the perpetrator actually causing the loss or the shipowner, providing the other prevailing conditions of liability have been fulfilled.

In order to claim compensation for lost fishing time in connection with locating, marking, retrieval or bringing ashore objects, the objects must be properly marked or brought ashore and presented to the police or port authority or other equivalent public authority, unless absolute obstacles exist. Their location must in any case be reported to the police or port authority.

What is mentioned in the third paragraph also applies to compensation for other losses insofar as such marking, indication of location or bringing ashore can reasonably be required.

Liability for damages also comprises other vessels assisting a fishing vessel in bringing objects ashore.

Section 8-4. Joint and several liability

If damage has been caused as described in section 8-3 and it is not possible to identify who caused the damage, the licensees shall be jointly and severally liable insofar as the damage may be believed to have been caused by petroleum activities in connection with the licence in question.

Section 8-5. Facility, etc., causing damage

If a facility or an action in connection with the placing of such facility causes damage, and the injured party does not have a right to compensation pursuant to the provisions of section 8-2, the licensee shall, regardless of fault, be liable for damages in respect of the financial losses suffered by fishermen as a result of the damage.

Section 8-6. Commissions, etc.

Claims made pursuant to this chapter shall be dealt with by a commission. The King shall issue regulations relating to the composition of the commission and its procedures, as well as provisions regarding the handling of administrative appeal.

Decisions made by the administrative appeal body may be brought straight before the district or city court, within two months of the party in question having been notified of the decision by summons.

Claims upheld by the commission or the administrative appeal body are grounds for enforcement of distraint after the expiry of the time limit for lodging a complaint or the time limit given in the second paragraph.

The administrative appeal body may grant reinstatement where the deadline in the second paragraph is exceeded, pursuant to the provisions of section 31 of the Public Administration Act. Decisions made by the administrative appeal body regarding the question of reinstatement may be appealed to the district or city court.

CHAPTER 9. SPECIAL REQUIREMENTS FOR SAFETY

Section 9-1. Safety

The petroleum activities shall be conducted in such manner as to enable a high level of safety to be maintained and further developed in accordance with the technological development.

Section 9-2. Emergency preparedness

The licensee and other participants in the petroleum activities shall at all times maintain efficient emergency preparedness with a view to dealing with accidents and emergencies which may lead to loss of life or personal injury, pollution or major damage to property. The licensee shall see to it that necessary measures are taken to prevent or reduce harmful effects, including the measures required in order, to the extent possible, to return the environment to the condition it had before the accident occurred. The Ministry may issue rules about such emergency preparedness and such measures, and may in this connection order cooperation between several licensees in matters of emergency preparedness.

In the event of accidents and emergencies as mentioned in the first paragraph, the Ministry may decide that other parties shall make available necessary contingency resources for the account of a licensee. The Ministry may also for the account of the licensee take measures to obtain the necessary additional resources in other ways.

The rules of Act No. 7 of 15 December 1950 relating to special measures in time of war, threat of war and similar circumstances, chapter V, relating to compulsory surrender to the public authorities, shall apply correspondingly to the extent they are suitable.

Section 9-3. Safety zones, etc.

Around and above facilities, with the exception of subsea facilities, pipelines and cables, there shall be a safety zone. Around and above subsea facilities there may be established a safety zone. In addition to or in the place of a safety zone, there may be established an area with prohibition against anchoring and fishing. In the event of accidents and emergencies, the Ministry may establish or extend safety zones or areas with prohibition against anchoring and fishing. The extent of zones and areas as mentioned in the first to the fourth sentence shall be determined by the King.

The King may decide that a safety zone shall extend across the border line onto the continental shelf of another State. Furthermore, the King may decide that there shall be a safety zone on the Norwegian continental shelf even if the facility in question is located outside the Norwegian continental shelf.

The Ministry may decide that a zone corresponding to the safety zone shall be established in reasonable time prior to the placing of facilities as mentioned in the first paragraph.

The Ministry may decide that there shall be a safety zone or an area with prohibition against anchoring and fishing around and above abandoned or dumped facilities, or parts or such facilities.

Unauthorized vessels, hovercrafts, aircraft, fishing gear or other objects must not be present in zones as mentioned in the first, second, third and fourth paragraphs. If fishing can take place in the zone or in parts of the zone without threatening safety or interfering with the exercise of the petroleum activities, the Ministry may nevertheless decide that such fishing can take place.

The Ministry may issue such regulations as are considered necessary to secure access for facilities as mentioned in the first paragraph to zones as mentioned in the third paragraph.

The King may, with a view to safety considerations, stipulate further provisions relating to limitations in the right to anchoring and fishing in areas where there is development or operation of petroleum deposits or pipelines.

This section is not applicable to facilities onshore or on the seabed subject to private property rights.

Section 9-4. Suspension of the petroleum activities, etc.

In the event of accidents and emergencies as mentioned in section 9-2, the licensee or anyone else responsible for the operation and use of the facility shall, to the extent necessary, suspend the petroleum activities for as long as the requirement of prudent operation warrants such suspension.

When special reasons exist, the Ministry may order the petroleum activities to be suspended to the extent necessary, or impose particular conditions to allow continuation of the activities.

When a decision as mentioned in the second paragraph is based on circumstances not caused by the licensee, the Ministry may, upon application, extend the period of time for which the licence applies and, to a reasonable extent, mitigate the obligations resting on the licensee.

Section 9-5. Requirements for safety documentation

If the licensee decides to prepare plans with a view to approval or licence according to sections 4-2 or 4-3, such plans and the licensee's documentation for implementation of this work shall be submitted to the Ministry as a part of the regulatory safety supervision.

Section 9-6. Qualifications

The licensee and other persons engaged in petroleum activities shall possess the necessary qualifications to perform the work in a prudent manner. Training shall be given to the extent necessary.

In addition, the licensee shall see to it that anyone carrying out work for him complies with the provisions contained in the first paragraph.

CHAPTER 10. GENERAL PROVISIONS

Section 10-1. Requirements for prudent petroleum activities

Petroleum activities according to this Act shall be conducted in a prudent manner and in accordance with applicable legislation and recognized standards for such petroleum activities. The petroleum activities shall take due account of the safety of personnel, the environment and of the financial values which the facilities and vessels represent, including also operational availability.

The petroleum activities must not unnecessarily or to an unreasonable extent impede or obstruct shipping, fishing, aviation or other activities, or cause damage or threat of damage to pipelines, cables or other subsea facilities. All reasonable precautions shall be taken to prevent damage to animal life and vegetation in the sea, relics of the past on the seabed and to prevent pollution and littering of the seabed, its subsoil, the sea, the atmosphere or onshore.

Section 10-2. Management of the petroleum activities, bases, etc.

The licensee shall have an organization which is capable of managing independently the petroleum activities from Norway. To achieve this, the Ministry may stipulate specific requirements in respect of the organization and the capital of the company.

The licensee shall see to it that the circumstances permit trade union activities to take place among his own employees and the personnel of contractors and subcontractors in accordance with Norwegian practice.

The petroleum activities shall be conducted from a base in Norway. The licensee may be ordered to use bases designated by the Ministry.

Section 10-3. Regulatory supervision of the petroleum activities

The Ministry carries out regulatory supervision to see that the provisions laid down in or pursuant to this Act are complied with by all who carry out petroleum activities comprised by the Act. The Ministry may issue such orders as are necessary for the implementation of the provisions laid down in or pursuant to this Act.

The Ministry may, when it is considered necessary, order a vessel or a mobile facility or part of a facility to be brought to a Norwegian port or to another place.

Expenses related to the regulatory supervision may be required to be covered by the licensee or by the party to which the supervision in each case is directed or where it takes place.

Section 10-4. Material and information concerning the petroleum activities

Material and information which the licensee, operator, contractor, etc., possesses or prepares in connection with planning and implementation of petroleum activities pursuant to this Act shall be available in Norway and may be required to be submitted free of charge to the Ministry or to anyone designated by the Ministry. Such material and information shall be submitted in a format decided by the Ministry to the extent this is deemed reasonable. In this connection, the Ministry may also require analyses and studies to be carried out. When a production licence is surrendered, the operator takes over the responsibility for material and information relating to the surrendered production licence according to this provision.

The King shall issue more specific rules relating to what material shall be available to the authorities and what material may be required to be submitted, as well as what information shall be given to public authorities prior to the commencement of the petroleum activities and after they have been started.

Information which has been provided to the authorities may, in accordance with further provisions issued by the Ministry, be used for the preparation of overview maps and for statistical purposes, among others by the Central Bureau of Statistics of Norway.

Section 10-5. Agreements between affiliated companies

The Ministry may, when particular reasons so warrant, consent to the licensee entering into an agreement which authorizes a parent company, or a company with which the licensee is affiliated in a similar manner, to undertake the activities on behalf of the licensee.

It shall be set as a condition for the above-mentioned consent that the arrangement will not result in less tax revenues to Norway.

Section 10-6. Obligation to comply with the Act and to see to it that provisions are complied with

The licensee and other persons engaged in petroleum activities comprised by this Act are obliged to comply with the Act, regulations and individual administrative decisions issued by virtue of the Act through the implementation of necessary systematic measures.

In addition, the licensee shall see to it that anyone performing work for him, either personally, through employees or through contractors or subcontractors, shall comply with the provisions laid down in or pursuant to the Act.

Section 10-7. Security

Upon granting a licence and subsequently, the Ministry may decide that the licensee shall provide such security as approved by the Ministry for fulfillment of the obligations which the licensee has undertaken, as well as for possible liability in connection with the petroleum activities.

This shall apply correspondingly to any other responsible party according to chapter 5.

Section 10-8. Responsibility for commitments

Licensees who jointly hold a licence are jointly and severally responsible to the State for financial obligations arising out of petroleum activities pursuant to the licence.

Section 10-9. Liability for damage caused

If liability in respect of a third party is incurred by anyone undertaking tasks for a licensee, the licensee shall be liable for damages to the same extent as, and jointly and severally with, the perpetrator and, if applicable, his employer.

Liability for pollution damage is governed by the rules of chapter 7.

Section 10-10. Commission of inquiry

If a serious accident has occurred in connection with petroleum activities comprised by this Act, the Ministry may appoint a special commission of inquiry. The same applies to incidents in the activities which have led to serious danger of loss of life or major damage to property or pollution of the marine environment. The members of the commission shall represent sufficient legal, nautical and technical expertise. The chairman shall satisfy the criteria for being a judge of the supreme court.

The commission of inquiry may require the licensee and other parties involved in the accident or incident to provide the commission with information which may be relevant to the investigation, and that they shall make available documents, facilities and other objects at a place where it is suitable for the investigation to take place.

The licensee may be required to cover the costs in connection with the work of the commission of inquiry.

The rules of the Maritime Act relating to maritime declarations and regulations issued pursuant to section 485 of the Maritime Act apply correspondingly to the extent they are suitable.

Section 10-11. Training

The King may issue rules relating to the licensees' obligation to undertake training of civil servants.

Section 10-12. Transfer, etc.

Transfer of a licence or participating interest in a licence for petroleum activities may not take place without the approval of the Ministry. The same applies to other direct or indirect transfer of interest or participation in the licence, including, inter alia, assignment of shareholdings and other ownership shares which may provide decisive control of a licensee possessing a participating interest in a licence.

Transfer of a group of licensees' right of ownership to fixed facilities may not take place without the approval of the Ministry. The same applies to establishing a mortgage in a facility which in accordance with a licence under this Act has been placed onshore or on the seabed subject to private property rights.

The Ministry may in special cases decide that a fee shall be paid for the transfer.

Section 10-13. Revocation

In the event of serious or repeated violations of this Act, regulations issued pursuant hereto, stipulated conditions or orders issued, the King may revoke a licence granted pursuant to this Act.

If an application for a licence contains incorrect information, or if information of significance has been withheld, and it must be assumed that the licence would not have been granted had correct or complete information been available, the licence may be revoked in relation to the licensee concerned.

A licence may be revoked if the security which the licensee is obliged to provide pursuant to section 10-7 has become significantly weakened, or if the company or other association holding the licence is dissolved or enters into debt settlement proceedings or bankruptcy proceedings.

Section 10-14. Consequences of revocation, surrender of rights or lapse for other reasons

Revocation of a licence, surrender of rights or lapse of rights for other reasons do not entail release from the financial obligations which follow from this Act, regulations issued pursuant hereto or specific conditions. If a work obligation or other obligation has not been fulfilled, the Ministry may demand payment, in full or in part, of the amount which fulfillment of the obligation would have cost. The amount shall be stipulated by the Ministry with binding effect.

Section 10-15. Immunity, etc., for civil servants of other States

The King may, notwithstanding Norwegian law, grant to civil servants of other States immunity and special privileges in connection with measures to prevent and take action against illegal acts representing a safety threat to the petroleum activities.

Section 10-16. Enforcement measures

With regard to orders issued in or pursuant to this Act, the authority which has issued the order may stipulate a current fine for each day that passes after expiry of the time limit set for implementation of the order, until it has been complied with. Notice of a fine shall be given by registered letter or by another equally reliable method. An order to pay a fine is regarded as grounds for enforcement of distraint.

The King may waive an imposed fine when this is considered reasonable.

In the event of serious or repeated violations of acts and regulations, stipulated conditions or orders issued, the Ministry may impose a temporary suspension of the activities.

The Ministry may initiate necessary measures for the account and risk of the licensee if orders are not complied with. The costs of such measures are grounds for enforcement of distraint.

A vessel or aircraft which violates provisions or orders issued in or pursuant to this Act may be instructed, expelled or seized and brought to a Norwegian port.

Section 10-17. Penal provisions

Willful or negligent violation of provisions or decisions issued in or pursuant to this Act shall be punishable by fines or imprisonment for up to three months. In particularly aggravating circumstances, imprisonment for up to two years may be imposed. Complicity is punishable in the same way. These provisions shall not apply if the violation is subject to a more severe penalty under any other statutory provision.

Section 10-18. Authority to issue regulations and stipulate conditions

The King may issue regulations to supplement and implement this Act, including, inter alia, provisions relating to working conditions, confidentiality and relating to the licensee's obligation to make information on the activities pursuant to the Act available to the public. The King may also issue regulations relating to the duty to provide information for the fulfillment of Norway's obligations pursuant to the EEA Agreement.

In connection with individual administrative decisions, other conditions than those mentioned in this Act may be stipulated when they are naturally linked with the measures or the activities to which the individual administrative decision relates.

CHAPTER 11. ENTRY INTO FORCE AND AMENDMENT OF LAWS

Section 11-1. Entry into force, etc.

This Act enters into force as from the time decided by the King. The King may decide that individual provisions contained in the Act shall enter into force at different times.

Section 3-9, first, second and third paragraphs, do not apply to production licences granted pursuant to Royal Decree of 9 April 1965 relating to exploration for and exploitation of submarine petroleum resources (the 1965 Decree). Such production licences are valid for up to 46 years from the time when the licence was granted.

Section 4-5 does not apply to production licences granted prior to 1 July 1985.

The Ministry may exempt from the provisions of section 4-9, second paragraph, relating to the shipment point of the production area in respect of production licences issued pursuant to Royal Decree of 9 April 1965 relating to exploration for and exploitation of submarine petroleum resources (the 1965 Decree).

Regulations issued pursuant to previous Act No.12 of 21 June 1963 relating to scientific research and exploration for and exploitation of subsea natural resources other than petroleum resources, or Act No. 11 of 22 March 1985 relating to petroleum activities, or by virtue of regulations issued pursuant to the said Acts, shall apply insofar as no other provision has been or will be made applicable.

Section 11-2. Repeal and amendment of acts

Act No. 11 of 22 March 1985 relating to petroleum activities shall be repealed as from the time of entry into force of this Act.

As from the same time, the Acts mentioned below shall be amended as follows:

1. Act No. 83 of 21 June 1985 relating to general partnerships, etc. (the Companies Act), section 1-1 (4) second sentence, shall read as follows:

“Similarly it shall not be applicable to cooperation agreements in connection with licence granted pursuant to Act No. 72 of 29 November 1996 relating to petroleum activities, section 4-3, and cooperation agreements by virtue of section 3-3, fourth paragraph, and section 4-7; cf. section 4-3 of the Act, and corresponding agreements entered into prior to the entry into force of the Petroleum Act.”

2. Act No.12 of 21 June 1963 relating to scientific research and exploration for and exploitation of subsea natural resources other than petroleum resources, section 1, first paragraph, shall read as follows:

“This Act applies to scientific research of the seabed and its substrata and exploration for and exploitation of subsea natural resources other than petroleum resources in the Norwegian internal waters, in Norwegian territorial sea and on the continental shelf. By continental shelf shall be understood the seabed and subsoil of the submarine areas that extend beyond the Norwegian territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, but no less than 200 nautical miles from the baselines from which the territorial sea has been measured, nevertheless not beyond the median line in relation to other States.”

(b) Act No. 42 of 13 June 1997 relating to the Norwegian Coast Guard (Coast Guard Act)²

Chapter 1. General provisions

§ 1. Purpose of the Act

The purpose of the Act is to enable the Norwegian Coast Guard to assist as well and efficiently as possible in maintaining government surveillance of the coast and the sea areas off the coast and to carry out the other tasks arising from this Act.

§ 2. Definitions

For the purpose of this Act, “vessel” means any floating or airborne installation that may be used as a means of transport or conveyance, or as a place of sojourn, production or storage or for fishing or hunting, including hovercraft and submersible vessels of all kinds, and the equipment, including gear, belonging to the said installation.

For the purpose of this Act, “fixed installation” means any installation that is not a vessel and that is placed or in any way situated above, below or on the surface of the sea, together with the equipment belonging to the said installation.

The King may issue further provisions concerning what is to be considered a vessel or fixed installation pursuant to this Act, and may also provide that the Act shall not apply to certain vessels or fixed installations.

§ 3. Geographical scope of the Act

This Act applies:

- (a) In the internal waters and the territorial sea, including the internal waters and territorial sea of Svalbard;
- (b) In the area of jurisdiction established by Act No. 19 of 17 June 1966 relating to Norway's fishery limit and to the prohibition against fishing, etc., by foreign nationals inside the fishery limit;
- (c) In the areas of jurisdiction established pursuant to Act No. 91 of 17 December 1976 relating to the economic zone of Norway;
- (d) On the continental shelf; and
- (e) Beyond Norway's area of jurisdiction subject to such limitations as follow from international law.

When exercising such control as is mentioned in sections 9-12, 15 and 18, the geographical scope of the relevant legislation applies instead of the first paragraph, subparagraphs (a) to (d). Control may nevertheless not be exercised on land unless it is clearly necessary.

² Text communicated by the Permanent Mission of Norway to the United Nations on 6 November 2000.

The King may issue further provisions concerning the geographical scope of the Act.

§ 4. Limitations arising from international law

The Act applies subject to any limitations arising from international law or agreements with foreign States.

Chapter 2. Organization and personnel of the Norwegian Coast Guard

§ 5. Organization of the Norwegian Coast Guard

The Coast Guard forms part of the armed forces. In time of peace the Coast Guard shall primarily carry out the tasks arising from this Act. The Coast Guard shall also be trained for its wartime tasks in time of peace.

The vessels of the Coast Guard shall be of a standard type in accordance with provisions laid down by the King.

Insofar as it is considered necessary for carrying out particular Coast Guard tasks, the King may decide that other materiel and personnel resources belonging to the armed forces may be used.

The King may, with the consent of the Storting, decide that civilian vessels shall be temporarily or permanently incorporated into the organization of the Coast Guard.

Other provisions relating to the organization and size of the Coast Guard will be laid down by the King with the consent of the Storting.

§ 6. The Coast Guard Council

The King will appoint the Coast Guard Council.

The Coast Guard Council is a liaison and cooperation agency which shall deal with and give advice on matters concerning the activities of the Coast Guard pursuant to this Act.

The Council shall consist of representatives of the public agencies concerned. The King will issue further provisions concerning the Council's composition and functions.

§ 7. Personnel of the Coast Guard

All ranks of the armed forces may be ordered to carry out tasks pursuant to this Act, unless otherwise prescribed in their conditions of service.

The King may, with the consent of the Storting, decide that persons other than those mentioned in the first paragraph shall be incorporated into the organization of the Coast Guard. The King may decide who is to be considered to be the employer of persons who are for a specified period seconded to the Coast Guard from other State agencies.

Chapter 3. Tasks of the Coast Guard

§ 8. Upholding of sovereignty, etc.

The Coast Guard shall uphold Norwegian sovereignty and Norway's sovereign rights.

§ 9. Inspection of fishing and hunting activities, control of resources, etc.

The Coast Guard may ensure compliance with provisions set out in or issued pursuant to the following statutes:

(a) Act No. 4 of 22 March 1957 relating to the hunting of polar bears;

(b) Act No. 19 of 17 June 1966 relating to Norway's fishery limit and to the prohibition against fishing, etc., by foreign nationals inside the fishery limit;

- (c) Act No. 91 of 17 December 1976 relating to the economic zone of Norway;
- (d) Act No. 40 of 3 June 1983 relating to sea-water fisheries, etc.;
- (e) Act No. 15 of 26 March 1999 relating to the right to participate in fishing and hunting.

The same applies to provisions issued in accordance with Act No. 11 of 17 July 1925 relating to Svalbard, which regulates fishing and hunting in the internal waters and territorial sea of Svalbard.

§ 10. Customs inspection

The Coast Guard may ensure compliance with provisions set out in or issued pursuant to Act No. 5 of 10 June 1966 relating to customs (the Customs Act).

§ 11. Environmental surveillance, etc.

The Coast Guard may ensure compliance with provisions set out in or issued pursuant to the following statutes:

- (a) Chapter 11 of Act No. 7 of 9 June 1903 relating to public control of the seaworthiness of ships, etc.;
- (b) Act No. 16 of 28 June 1957 relating to outdoor recreation;
- (c) Act No. 63 of 19 June 1970 relating to nature conservation;
- (d) Act No. 50 of 9 June 1978 relating to the cultural heritage;
- (e) Act No. 6 of 13 March 1981 relating to protection against pollution and to waste (Pollution Control Act);
- (f) Act No. 38 of 29 May 1981 relating to wildlife;
- (g) Act No. 47 of 15 May 1992 relating to salmonids and freshwater fish, etc.

The same applies to provisions issued pursuant to Act No. 11 of 17 July 1925 relating to Svalbard, which governs the protection of the cultural heritage, the natural environment and the fauna.

§ 12. Other surveillance tasks

The Coast Guard may ensure compliance with provisions set out in or issued pursuant to the following statutes:

- (a) Act No. 3 of 14 June 1884 relating to the protection of underwater telegraph cables outside territorial waters;
- (b) Chapters 1 to 10 of Act No. 7 of 9 June 1903 relating to public control of the seaworthiness of ships, etc.;
- (c) Act No. 12 of 21 June 1963 relating to scientific research and investigation of and exploitation of subsea natural resources other than petroleum deposits;
- (d) Act No. 2 of 17 June 1966 relating to hovercraft;
- (e) Act No. 51 of 8 June 1984 relating to harbours and fairways, etc.;
- (f) Act No. 72 of 29 November 1996 relating to petroleum activities;
- (g) Act No. 64 of 24 June 1988 relating to the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (the Immigration Act);
- (h) Act No. 59 of 16 June 1989 relating to the pilotage service, etc.;
- (i) Chapter 3 of Act No. 47 of 26 June 1998 relating to pleasure craft and small boats.

The same applies to provisions issued in accordance with Act No. 11 of 17 July 1925 relating to Svalbard that govern matters other than those mentioned in section 9, second paragraph, and section 11, second paragraph.

§ 13. Exceptions

The King may prescribe that the Coast Guard may nevertheless not ensure compliance with provisions set out in or issued pursuant to the statutes mentioned in sections 9, 10, 11 or 12.

§ 14. Rescue operations

The Coast Guard shall take part in and carry out search and rescue operations in the event of hazardous situations and accidents at sea, and shall as far as possible render assistance to any person who is seriously ill or injured or is in obvious distress for other reasons.

§ 15. Control in connection with scientific studies, etc.

The Coast Guard may exercise control over persons, vessels or fixed installations carrying out scientific studies or other research activities.

§ 16. Reporting and rendering harmless drifting objects

The Coast Guard shall as far as possible report the existence of and if necessary render harmless drifting objects that pose an immediate risk of considerable harm to persons or damage to vessels, fixed installations or the external environment.

The King may issue further provisions governing measures to render harmless drifting objects.

§ 17. Assistance to the police and other State agencies

The Coast Guard may render assistance to the police, including assistance in preventing and combating crime and unlawful acts committed against persons, vessels and fixed installations.

The Coast Guard may also provide necessary assistance, help and protection to other State agencies that require vessels for the performance of their activities.

Further provisions may be laid down by the King.

The provisions of the first and second paragraphs do not in any way curtail the duty of the military authorities to assist State agencies pursuant to provisions laid down in other statutes.

§ 18. Control of vessels entering into and passing through Norwegian territorial waters

The Coast Guard may exercise such control as is necessary to ensure compliance with current provisions relating to vessels entering into and passing through the territorial sea and internal waters.

Chapter 4. Relationship to other control authorities

§ 19. Relationship to other control authorities

The provisions of this Act do not restrict the authority that is by statute or other provision vested in other control authorities, the police or the prosecuting authority.

Unless otherwise decided by the King, the control exercised by the Coast Guard pursuant to sections 10 to 12 shall as far as possible be exercised at the request of the appropriate control authority.

Control in the internal waters and territorial sea of Svalbard shall in all cases be exercised in accordance with instructions issued by the Governor of Svalbard.

§ 20. Disclosure of information

Coast Guard officials may notwithstanding any duty of secrecy give the appropriate control authority, the police or the prosecuting authority any information naturally pertaining to the tasks of the Coast Guard pursuant to this Act.

The duty of secrecy to which officials of other control authorities, the police and the prosecuting authority are subject does not prevent them from disclosing such information as is specified in the first paragraph to the Coast Guard.

The King may issue further provisions relating to the exchange of information pursuant to the first and second paragraphs.

Chapter 5. Control and enforcement measures

§ 21. Police authority and criminal investigation

Coast Guard officers have limited police authority as regards ensuring compliance with provisions set out in or issued pursuant to this Act or the statutes referred to in sections 9 to 12.

Coast Guard officers may carry out a criminal investigation in the event of a suspected contravention of provisions set out in or issued pursuant to this Act or the statutes referred to in sections 9 to 12, of other criminal acts committed within the area of the Coast Guard's jurisdiction, cf. section 3, and otherwise at the request of the competent prosecuting authority.

The King may issue further provisions concerning the police authority of the Coast Guard.

§ 22. Implementation of control and enforcement measures in the internal waters and territorial sea of Svalbard

The implementation of control and enforcement measures in the internal waters and territorial sea of Svalbard may only take place in accordance with instructions issued by the Governor of Svalbard.

§ 23. Maintenance of peace and order in rescue areas

The Coast Guard may take the necessary measures to maintain peace and order in rescue areas, including the securing and safeguarding of the area against unauthorized persons.

The King may issue further provisions concerning the measures that the Coast Guard may take pursuant to the first paragraph.

§ 24. Maintenance of peace and order in fishing and hunting grounds

The Coast Guard may take the necessary measures to maintain peace and order in fishing and hunting grounds, including the securing and safeguarding of the area against unauthorized persons.

The King may issue further provisions concerning the measures that the Coast Guard may take pursuant to the first paragraph.

§ 25. Apprehension of vessels

If there is just cause to suspect that any such offence as is mentioned in section 36 has been committed, or that the provisions mentioned in section 9 have been contravened, the prosecuting authority or the Coast Guard may order the suspected vessel to proceed to a Norwegian port.

If necessary, a prize crew may be placed on board. The prize crew will take over command of the vessel insofar as this is necessary to sail it to a Norwegian port.

§ 26. Arrest, search and seizure of property

In the event of such suspicion as is mentioned in section 25, first paragraph, the police or the Coast Guard may search persons, vessels or fixed installations.

Arrests, searches and seizure may also be carried out according to the provisions of Act No. 25 of 22 May 1981 relating to legal procedure in criminal cases.

§ 27. General rules on how the Coast Guard service shall operate

The Coast Guard may employ enforcement measures applicable in criminal procedure and other physical interventions against persons, vessels or fixed installations insofar as the enforcement measure or intervention in question appears necessary and is in proportion to the gravity of the situation, the purpose of the action and other circumstances.

Any decision concerning apprehension, arrest, search and seizure shall be in writing and shall contain a description of the suspect, a short account of the offence and the grounds for the intervention. If a delay entails any risk, the decision may be stated orally, but it must be written down as soon as possible.

If enforcement measures are employed against foreign vessels, the flag State must be informed without delay.

§ 28. Supplementary provisions

The King may issue further provisions concerning the Coast Guard's use of supervisory and coercive measures.

§ 29. Right of inspection, etc.

When exercising control pursuant to section 9, the Coast Guard may stop vessels and inspect vessels and fixed installations. When carrying out its control activities, the Coast Guard shall be allowed unimpeded access to vessels and fixed installations.

The Coast Guard may order the person in charge of a vessel to stop fishing or hunting and haul in the trawl or other gear. As part of its control activities, the Coast Guard may itself take action to stop fishing or hunting, such as hauling in or cutting fishing gear and similar measures.

Inspectors may be placed on board to carry out inspection duties. Necessary board and accommodation shall be provided at the expense of the owner of the vessel or the fixed installation. The inspector shall be allowed to use the radio and other communication equipment free of charge.

The person in charge of a vessel or fixed installation shall provide necessary assistance and information, including:

- (a) Producing relevant objects and documents, for example logs;
- (b) Making and authenticating copies of documents, computer print-outs, etc.;
- (c) Permitting inspection of the voyage recorder on board;
- (d) Permitting notes concerning any contravention to be entered in the ship's log, catch logbook, receipts ledger, etc.

The person in charge shall sign the inspector's report, but may add to it any comments he/she deems necessary.

§ 30. Enforcement of provisions relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, etc.

The King may by regulations make further provisions concerning control and enforcement pursuant to the Agreement of 4 December 1995 on 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.

§ 31. Right of visit, etc., during inspection of vessels entering into and passing through Norwegian territorial waters

When exercising control pursuant to section 18, Coast Guard officers may inspect any vessel, including its papers, cargo, equipment and any persons on board.

The master of the vessel shall provide any assistance necessary to facilitate the inspection, including placing the vessel's communication equipment at the disposal of the inspecting officers free of charge. The master shall on request provide any information that is of interest to the Norwegian authorities.

In the event of any contravention of such provisions as are mentioned in section 18, Coast Guard officers may order the vessel to leave Norwegian territorial waters immediately or within a specified, reasonable time limit. The vessel may be brought to the nearest police authority to be charged and prosecuted.

The provisions of this section do not apply to foreign military vessels or other vessels that are used exclusively for non-commercial purposes and that are owned, used or solely operated by a foreign State.

§ 32. Measures in connection with control of scientific studies, etc.

The Coast Guard may require the suspension or cessation of scientific studies or other research activities if the conditions prescribed for the conduct of such activities have not been met.

§ 33. Measures for controlling compliance with the statutes specified in sections 10 to 12.

When exercising control pursuant to section 10, 11 or 12, the Coast Guard has, subject to the restrictions provided for in section 19, the same authority as the competent supervisory authority to carry out inspections, issue orders and implement control or coercive measures.

§ 34. Division of roles between the Coast Guard and the prosecuting authority

When carrying out an investigation and applying coercive measures, the Coast Guard is subordinate to the prosecuting authority.

If the Coast Guard has apprehended, seized or arrested a vessel, the matter shall as soon as possible be handed over to the competent police district for further prosecution.

The prosecuting authority may decide that a vessel shall be detained as security for any financial penalty that may be imposed.

A decision to detain a vessel pursuant to the third paragraph or to apprehend it shall as soon as possible be brought before the court, which will decide whether a lien shall be attached to the vessel, pursuant to the provisions of section 35, or whether the vessel shall be released.

§ 35. Liens

In order to secure payment of a fine or a penalty of confiscation which is likely to be imposed pursuant to section 36 or pursuant to the statutes mentioned in sections 9 to 12, as well as of costs which are likely to be awarded, the court may at the request of the prosecuting authority decide to attach a lien to the vessel for a specified amount if there is reason to fear that execution proceedings will otherwise fail or be significantly impeded. Such a lien may be attached even if the vessel does not belong to the person charged.

When there is a lien on a vessel, it must not leave the place where it lies. If the vessel is not in port, the decision to attach the lien shall contain an order to sail to a specified place.

A lien may be avoided if other satisfactory security is provided.

A lien ceases to apply when it is waived by the prosecuting authority, or when a court so rules because the grounds for the lien no longer exist.

Otherwise the provisions on arrest in sections 14-9 to 14-11 of Act No. 86 of 26 June 1992 relating to the enforcement of claims apply correspondingly to liens pursuant to the present section insofar as they are appropriate.

Chapter 6. Penal provisions

§ 36. Criminal liability

Any person shall be liable to fines or imprisonment for a term not exceeding six months if he:

- (a) Fails to obey orders given by the Coast Guard;
- (b) Fails to render any assistance that he is bound to provide;
- (c) Fails to provide any information that he is bound to provide;
- (d) Submits incorrect documents;
- (e) Provides incorrect information;
- (f) Seeks by other means to mislead the Coast Guard; or
- (g) Interferes with evidence by damaging or abandoning a vessel, installation or gear.

In particularly aggravating circumstances, imprisonment for a term not exceeding two years may be imposed.

An accomplice shall be liable to the same penalties.

Imprisonment is not applicable when the contravention is subject to fines only in accordance with international law.

A contravention is to be regarded as a misdemeanour. An attempt is subject to the same penalty as a completed offence.

The master of a vessel may accept an optional fine on behalf of the employer. The employer may also be liable to a penalty and confiscation, and be ordered to pay costs in any criminal proceedings brought against the master.

If the contravention has been committed by a member of the crew of a vessel, and criminal liability may be then imposed on the master of the vessel, the subordinate shall not be liable to a penalty.

This provision is not applicable if the offence is subject to a more stringent penal provision.

Chapter 7. Entry into force. Amendments to other Acts.

§ 37. Entry into force

This Act shall enter into force from such date as the King decides.

§ 38. Amendments to other legislation

From the date of entry into force of the present Act, the following amendments shall be made to other Acts:
... [text not included in the unofficial translation].

2. Australia

Proclamation under the Seas and Submerged Lands Act 1973, 29 August 2000³

I, William Patrick Deane, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 7 of the Seas and Submerged Lands Act 1973, declare that:

(a) The outer limit of the territorial sea in the southern area of the Gulf of Carpentaria is extended to include the part of the roadstead near the Port of Karumba, in Queensland, that extends beyond the outer limits of the territorial sea as declared by proclamation made under that section on 9 November 1990; and

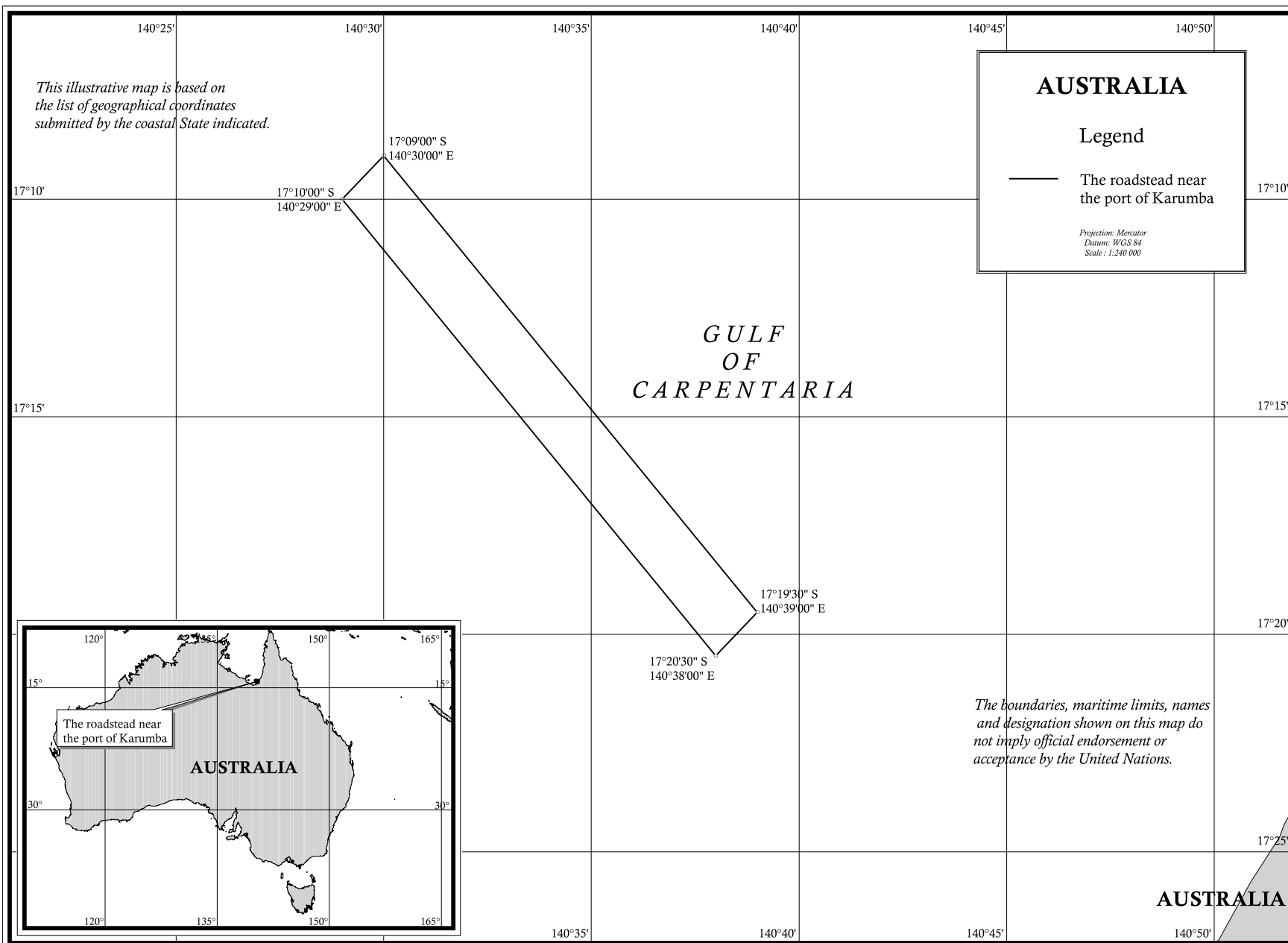
(b) The limits of the roadstead are constituted by a line:

- (i) commencing at 17°10'00" S 140°29'00" E;
- (ii) then running north-easterly along the geodesic to 17°09'00" S 140°30'00" E;
- (iii) then running south-easterly along the geodesic 17°19'30" S 140°39'00" E;
- (iv) then running south-westerly along the geodesic 17°20'30" S 140°38'00" E;
- (v) then running north-westerly along the geodesic to the point of commencement; and

(c) For this Proclamation all geographic coordinates are expressed in terms of the World Geodetic System 1984 (WGS 84).

Signed and sealed with the Great Seal of Australia on 29 August 2000.

³ Text communicated by the Permanent Mission of Australia to the United Nations in a note verbale dated 14 September 2000.



3. Belgium

(a) Act on protection of the marine environment and ocean space under Belgian jurisdiction, 20 January 1999⁴

From Albert II, King of the Belgians, to all, present and future, greetings.

The Chambers have adopted, and we hereby approve, the following:

Article 1. This Act provides regulations on a matter dealt with in article 78 of the Constitution.

Chapter I
Definitions

Article 2. For the purposes of this Act:

1. “Ocean space” means the territorial sea, the exclusive economic zone and the continental shelf covered by the Act of 13 June 1969 on the Belgian continental shelf;
2. “Marine environment” means the abiotic environment of ocean space and the biota thereof, including the fauna and flora and their marine habitats, the ecological processes at work in that environment and the interaction between its abiotic and biotic components;
3. “Protection” means all measures necessary for the conservation, development, restoration and sustainable management of the marine environment and the measures necessary to conserve and restore the quality of the marine environment, except for measures relating to the prevention and reduction of pollution to be taken at the level of specific or non-specific sources located on dry land;
4. “Marine habitat” means a marine area identified by its specific geographical, abiotic and biotic characteristics, whether wholly natural or semi-natural;
5. “Pollution” means the introduction by man, directly or indirectly, of substances or energy into ocean space which results or is likely to result in such deleterious effects as harm to living marine resources and ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of the quality of sea water and reduction of amenities;
6. “Harm” means any injury, loss or wrong sustained by an identifiable natural or artificial person as a consequence of damage to the marine environment, whatever the cause thereof;
7. “Environmental interference” means any negative influence on the marine environment which does not constitute harm;
8. “Vessel” means any ship, regardless of type or size, operating in the marine environment, including hydrofoils, hovercraft, submersible devices, floating devices and fixed or floating platforms;
9. “Traffic organization system” means any measure relating to maritime navigation, other than ship piloting, which is intended to improve navigation, increase traffic security or protect the marine environment;
10. “Navigation accident” means a collision or stranding of ships or any other incident of navigation on board or outside a ship which may result in damage or environmental interference;
11. “Shipowner” means the owner, charterer, manager or operator of a ship;

⁴ *Moniteur belge*, 12 March 1999, Ed.2, F. 99-712, pp. 8033-8052.

12. “Competent authority at sea” means any maritime commissioner, maritime police officer, patrol boat commander, employee or agent of the Management Unit of the Mathematical Model for the North Sea, naval officer or non-commissioned officer so designated by his or her superiors and any duly sworn agent designated by the Minister;

13. “Offshore activities” means activities carried out in ocean space for purposes of prospecting, evaluation or exploitation of liquid or gaseous hydrocarbons;

14. “Offshore installation” means any artificial structure, installation or vessel or any part thereof, whether floating or attached to the seabed, which is placed in ocean space for purposes of offshore activities;

15. “Dumping” means:

(i) The act of intentionally disposing of wastes or other matter from vessels, aircraft or offshore installations at sea;

(ii) Scuttling or deliberate abandonment of vessels, aircraft, offshore installations or pipelines at sea;

“Dumping” does not include:

(i) The act of disposing of wastes or other matter associated with or derived from the normal operations of vessels, aircraft or offshore installations, which is covered by the International Convention for the Prevention of Pollution from Ships (MARPOL Convention) or by other applicable rules of international law;

(ii) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention;

16. “Incineration” means any deliberate burning of wastes or other matter at sea in order to effect their destruction by fire;

The term “incineration” does not include the destruction by fire, in accordance with applicable international law, of wastes or other matter incidental to, or derived from, the normal operations of ships, aircraft or offshore installations;

17. “Direct discharges” means:

(i) Discharges through which substances, energy, objects or polluted water enter ocean space directly from the coast rather than through the drainage network or the atmosphere;

(ii) Discharges from any source involving deliberate disposal into the ocean subsoil from land through tunnels or pipes or by any other means;

(iii) Discharges from artificial structures placed in ocean space for purposes other than offshore activities;

18. “Paris Convention” means the Convention for the Protection of the Marine Environment of the North-East Atlantic, concluded at Paris on 22 September 1992 and adopted by the Act of 11 May 1995;

19. “MARPOL Convention” means the 1973 International Convention for the Prevention of Pollution from Ships and the annexes thereto, concluded at London on 2 November 1973, and the 1978 Protocol thereto and the annexes, concluded at London on 17 February 1978 and adopted by the Act of 17 January 1984; and

20. “The Minister” means the Minister or Secretary of State whose portfolio includes protection of the marine environment.

Chapter II
Objectives and general principles

Article 3. The purpose of this Act is to preserve the specific nature, biodiversity and integrity of the marine environment through measures intended to protect it and to repair environmental damage and interference.

Article 4. 1. When carrying out activities in ocean space, the users of such space and the authorities shall take into account the prevention principle, the precaution principle, the sustainable management principle, the “polluter pays principle” and the compensation principle.

2. The prevention principle implies the need to act in order to prevent such damage rather than having to repair it after the fact.

3. The precaution principle means that preventive measures must be taken where there is reasonable cause for concern at the possible pollution of ocean space, even where there is no conclusive proof of a causal link between the introduction of substances, energy or materials into ocean space and harmful effects.

4. Application of the sustainable management principle in ocean space implies that natural resources must be made adequately available to future generations and that the effects of human activity must not exceed the absorption capacity of the ocean space environment. To that end, the ecosystems and ecological processes necessary to the proper functioning of the marine environment shall be protected, biodiversity shall be preserved and nature conservation shall be promoted.

5. The “polluter pays principle” implies that the polluter shall cover the costs of preventing, reducing and controlling pollution and of repairing the damage.

6. The compensation principle implies that in cases of damage or environmental interference in ocean space, the marine environment shall, to the extent possible, be restored to its original condition.

Article 5. Anyone who carries out activities in ocean space has the obligation to exercise due diligence in order to prevent any damage or environmental interference. In particular, shipowners have the obligation to take all necessary precautions to prevent and control pollution.

Chapter III
Marine protected areas and the protection of species

Section 1. General provisions

Article 6. With respect to ocean space, the King may take whatever measures are necessary to fulfil the obligations deriving from the following international directives and conventions:

- (i) Council of the European Communities directive No. 79/409/EEC of 2 April 1979 on the conservation of wild birds;
- (ii) Council of the European Communities directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna;
- (iii) Convention on Wetlands of International Importance Especially as Waterfowl Habitat, concluded at Ramsar on 2 February 1971 and adopted by the Act of 22 February 1979;
- (iv) Convention on the Conservation of European Wildlife and Natural Habitats, concluded at Berne on 19 September 1979 and adopted by the Act of 20 April 1989;
- (v) Convention on the Conservation of Migratory Species of Wild Animals, concluded at Bonn on 23 June 1979 and adopted by law on 27 April 1990, and the agreements concluded under article IV, paragraph 3, thereof; and

(vi) Convention on Biological Diversity, concluded at Rio de Janeiro on 5 June 1992 and adopted by the Act of 11 May 1995.

Section 2. Marine protected areas

Article 7. 1. The King may establish marine protected areas in ocean space and, in accordance with the provisions of this section, may take the measures necessary to their protection.

2. Such marine protected areas may be:

- (a) Autonomous marine reserves, created in order to allow natural phenomena to evolve in their own way;
- (b) Managed marine reserves, which, through proper management, are maintained in their current state or restored to the state appropriate to their ecological function;
- (c) Special protection areas or special conservation areas designed to protect certain marine habitats or particular species;
- (d) Zones in which certain activities are prohibited during all or part of the year; and
- (e) Buffer zones, established to supplement the protection provided by marine protected areas, in which restrictions on activities are less rigorous than in marine reserves.

3. The King shall take the measures necessary to ensure that the borders of marine protected areas are clearly marked and, where necessary, indicated on charts and that the public is informed of the applicable restrictions.

4. The measures mentioned in paragraph 1 above shall not apply to military activities. However, the military authorities, in cooperation with the Minister, shall do their utmost to prevent any harm or environmental interference, without prejudice to the deployment and training of the armed forces.

Article 8. In autonomous and managed marine reserves, all activities are prohibited, save the following:

- (i) Supervision and control;
- (ii) Monitoring and scientific research carried out on behalf of or with the consent of the authorities;
- (iii) Navigation, unless restricted under article 20 of this Act;
- (iv) Professional fishing, unless restricted or prohibited by the King, at the suggestion of the Minister and the Minister whose portfolio includes agriculture;
- (v) In managed marine reserves, measures taken under article 9 of this Act;
- (vi) Military activities, without prejudice to the second sentence of article 7, paragraph 4.

Article 9. 1. In the case of managed marine reserves and in accordance with their ecological requirements, the King shall take specific measures for nature management, conservation, habilitation and development and for nature education.

2. A management committee shall be established for the managed reserves; its members shall be appointed by the King. The committee shall be responsible for the implementation of management and conservation measures and may also act on recommendations from the Minister.

Section 3. Protection of species in ocean space

Article 10. 1. The King shall draw up a list of species to be protected in marine areas. Wild populations of these species and specimens thereof shall be subject to a strict protection regime prohibiting:

- (i) Any attempt to capture, injure or kill such animals, without prejudice to the specific cases mentioned in article 14;

- (ii) Intentional interference with animals, particularly during periods of mating, rearing their young, hibernation or migration;
- (iii) Damage to or destruction of animals' mating or resting areas;
- (iv) Deliberate picking, gathering, cutting, uprooting or destruction of plants;
- (v) Possession or transport, except in the cases mentioned in article 14 below and in the Act of 28 July 1981, by which the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973 was adopted, and in Council of the European Union Regulation No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein; and
- (vi) Trade, exchange or offer for purposes of sale or exchange, without prejudice to the provisions of the Act of 28 July 1981, by which the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973 was adopted, and of Council of the European Union Regulation No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.

2. In exceptional cases only, the King may grant a dispensation from the prohibitions set forth in article 1 above in the interests of public health, scientific research, education or the repopulation or reintroduction of endangered species. The King shall establish the procedure through which such dispensations must be requested and may be granted. Requests must be substantiated and dispensation may be granted only at the recommendation of scientific institutions specializing in nature conservation.

Article 11. 1. The deliberate introduction of non-indigenous organisms into ocean space is prohibited unless authorized by the King. Authorization may be granted only after study of the effects of introduction of the said organisms into the marine environment on the biota and indigenous communities and of the risk of dispersal into the surrounding area. Introduction of such organisms must not affect the local biota.

The King shall establish the procedure through which such authorization must be requested and may be granted.

2. The King may prohibit the unintentional introduction of non-indigenous organisms into ocean space from ships' ballast water.

3. Where necessary for the protection of indigenous biota, the King, at the recommendation of the competent scientific institution, may take any measure to reduce or eliminate non-indigenous organisms introduced into ocean space inadvertently or in violation of this Act.

4. The deliberate introduction of genetically modified organisms, whether indigenous or non-indigenous, into ocean space is prohibited.

Article 12. 1. Hunting of birds and marine mammals in ocean space is prohibited.

2. The King may, at the suggestion of the Minister and the Minister whose portfolio includes agriculture, take measures to restrict sport fishing in ocean space.

Article 13. Any living, uninjured member of the Cetacea or Pinnipedia orders which is accidentally captured in ocean space, including as by-catch, must be released immediately. The King hereby decrees that notification of involuntary capture of marine mammals must be given and establishes the procedure for notification.

Article 14. Any injured or dead marine mammal that is captured as by-catch and any marine mammal that is in distress, injured, sick or dead, when found in ocean space or beached in the territorial sea, shall be cared for and shall benefit from measures established by the King in order to assist and heal them and to subject them to scientific examination.

Chapter IV
Prevention and reduction of pollution and of environmental interference

Article 15. 1. Incineration in ocean space is prohibited.

2. Incineration at sea outside ocean space is also prohibited to Belgians and to ships flying the Belgian flag or registered in Belgium.

Article 16. 1. Dumping in ocean space is prohibited.

2. Dumping at sea outside ocean space is also prohibited to Belgians and to ships flying the Belgian flag or registered in Belgium.

3. This prohibition does not apply to the dumping of:

- (i) The ashes of cremated human bodies;
- (ii) Unprocessed fish, fish wastes and by-catch discharged from fishing vessels;
- (iii) Debris from dredging; and
- (iv) Inert material of natural origin consisting of solid geological materials that have not been chemically treated and whose chemical components are not released into the marine environment.

Article 17. Direct discharges into ocean space are prohibited.

Article 18. Without prejudice to the Agreement of 12 June 1990 on cooperation between the Belgian State and the Flemish Region to protect the North Sea from environmental damage caused by the discharge into the water of debris from dredging covered by the Oslo Convention, the dumping of debris from dredging and of inert material of natural origin shall be subject to prior authorization. The King shall establish the procedures for the request for authorization and the conditions under which such authorization may be granted, suspended or withdrawn.

Article 19. The King shall establish specific rules governing discharges resulting from the normal implementation of offshore activities.

Chapter V
Prevention and reduction of pollution from vessels

Section 1. Traffic organization systems aimed at preventing pollution and preserving marine protected areas

Article 20. 1. The King, by decree and after discussion in the Council of Ministers, may impose specific traffic organization systems in order to safeguard marine protected areas from the risks of pollution.

2. Establishment of marine protected areas in the territorial sea may not have the effect of preventing or restricting exercise of the right of innocent passage of foreign vessels in the territorial sea.

3. The International Maritime Organization shall be notified of marine protected areas established wholly or partially in the exclusive economic zone. Measures for the protection of such areas may not be imposed on foreign vessels without the prior consent of the International Maritime Organization.

4. Specific traffic organization systems may be imposed on certain categories of vessel owing to the intrinsically hazardous or harmful nature of the substances or materials that they transport, provided that the said measures do not threaten the safety of such vessels. These systems may not be imposed without the prior consent of the International Maritime Organization.

5. In no case may specific traffic organization systems result in the imposition of regulations concerning the design, construction, manning or fitting out of vessels which are more restrictive than the internationally accepted norms applied by the International Maritime Organization.

6. The specific traffic organization systems established under this Act shall not apply to warships and supply ships insofar as they hinder the deployment and preparedness of the armed forces.

Section 2. Navigation accidents, prevention of pollution and intervention of the competent authority for ocean matters

Article 21. 1. The captain of a ship involved in a navigation accident in ocean space shall, in a timely manner, so inform the body designated by the King in accordance with the procedures established under article 11 of the Act of 6 April 1995 on the prevention of pollution of the ocean by ships.

2. The captain shall be required to provide immediately full information concerning the accident and, upon request, full information concerning measures already taken by the ship in connection with the accident.

3. The obligation to provide such information shall not apply to warships, vessels used as supply ships or other vessels belonging to or operated by a State which uses them exclusively for non-commercial purposes. Domestic regulations shall continue to apply to such vessels.

Article 22. 1. In the case of an accident, if the competent authority for ocean matters is of the opinion that the measures taken by the captain or owner of a ship have not prevented, sufficiently reduced or controlled pollution or the risks of pollution, it may issue instructions to the captain, shipowner or those providing assistance with a view to preventing, reducing or controlling pollution or the risk of pollution caused by the accident.

2. The instructions issued to the captain or owner of the ship may concern:

- (i) The presence of the ship and property on board at a specific place or in a specific area;
- (ii) Movement of the ship and the property on board; and
- (iii) Provision of assistance to the ship.

3. Instructions issued to those providing assistance to the ship may not contain an implied prohibition of provision of the agreed assistance or of continuation of assistance already in progress.

Article 23. 1. If the instructions issued under article 22 of this Act do not succeed in preventing, adequately reducing or controlling pollution caused by an accident, the authority, at its own initiative, may take any measure necessary to prevent, reduce or control the harmful consequences of the accident.

The purpose of these measures may be:

- (i) To investigate the situation on board the ship and the nature and condition of property on board;
- (ii) To return the ship to a port if, by so doing, the harmful consequences can be better prevented, reduced or controlled.

2. The measures must be proportional to the harmful or potentially harmful consequences of the navigation accident and may not exceed what is reasonably necessary to prevent, reduce or control the said harmful consequences.

Article 24. 1. The authority may require the owner of a ship involved in a navigation accident involving the risk of pollution of ocean space to pay security with the Consignments and Loans Fund in an amount equivalent to the maximum level of potential responsibility under international conventions and Belgian legislation.

2. Payment of this amount may be replaced by the establishment of a bank guarantee from a bank situated in Belgium or of a guarantee signed by a protection and indemnity club and declared acceptable by the authority.

3. The authority may detain the ship in cases of refusal to pay of security or to establish a bank guarantee.

4. If the ship has sunk, the competent court may be required to seize the owner's other ships in Belgian ports in order to compel payment of security or establishment of a bank guarantee until it is satisfied that security has been paid or a bank guarantee established.

Chapter VI
Permits and authorizations

Article 25. 1. In ocean space, the activities listed below shall require a permit or prior authorization from the Minister:

- (i) Civil engineering projects;
- (ii) Excavation of trenches and raising of the seabed;
- (iii) Use of explosives or high-power acoustical devices;
- (iv) Abandonment or destruction of wreckage or sunken cargo;
- (v) Industrial activities; and
- (vi) Activities of advertising or commercial enterprises.

2. In response to the need to protect the marine environment, the King may require a permit or prior authorization for activities carried out in ocean space other than those listed in paragraphs 1 and 3 of this article.

3. The following activities shall not require the permit or authorization mentioned in this article:

- (i) Professional fishing;
- (ii) Marine scientific research;
- (iii) Navigation, except for the activities mentioned in paragraph 1 (iv) above;
- (iv) Activities covered by the Act of 13 June 1969 on the Belgian continental shelf;
- (v) Non-profit-making activities carried out by individuals; and
- (vi) Activities necessary to the exercise of competence of the Flemish Region as defined in the last sentence of article 6, paragraph 1 (x), of the Special Act of 8 August 1980 on institutional reform.

Article 26. The King shall establish the conditions and procedure for the granting, suspension and withdrawal of the permits and authorizations mentioned in article 25.

He may also establish additional rules covering the required monitoring of the activities concerned.

Article 27. Notwithstanding the provisions of article 25, military activities may not be subject to permit or authorization except upon joint proposal by the Minister and the Minister whose portfolio includes national defence. In such cases, the permit or authorization mentioned in article 25 shall be issued jointly by the Minister and the Minister whose portfolio includes national defence.

Chapter VII
Environmental impact studies and assessments

Article 28. 1. Any activity in ocean space which is subject to licensing or authorization, either under this Act and the executory decisions taken hereunder or under other legal or regulatory provisions in force, except licences granted under fishing laws and concessions granted under the Act of 13 June 1969 concerning the Belgian continental shelf, shall be subject to an environmental impact assessment performed by the competent authority designated for this purpose by the Minister, both before and after the issuance of the licence or authorization. The purpose of the environmental impact assessment is to estimate the effects of such activities on the marine environment.

2. Any person wishing to carry out an activity of the kind referred to in paragraph 1 above shall submit the results of an impact study together with the application for a licence or authorization. This study shall be conducted at the initiative and expense of the applicant, in accordance with the rules laid down by the King.

3. The competent authority for granting the licences or authorizations referred to in paragraph 1 above shall take into account the results of the environmental impact assessment. The reasons given for the authority's decisions shall refer to these results.

4. In cases where separate licences or authorizations are requested for several activities of the same nature, the competent authority may conduct a single integrated environmental impact assessment. In this case, the authority shall take into account, in the assessment, the overall environmental impact of the activities to be carried out and the interactions evidenced.

5. In cases where separate licences or authorizations are requested for several activities of the same nature, the competent authority may authorize the applicant to have a single integrated impact study conducted.

Article 29. Once the licences or authorizations have been granted, the activities thereunder shall be subject to monitoring programmes and continuous testing of their environmental impact. These monitoring programmes and continuous testing of environmental impact shall be conducted by or on the instructions of the authority referred to in article 28, paragraph 1, above and shall be the responsibility of the holder of the licences or authorizations. Should these studies reveal new harmful effects on the marine environment, the licences or authorizations may be suspended or withdrawn in accordance with the applicable suspension or withdrawal procedure.

Article 30. 1. The King shall establish rules concerning the procedures, content, conditions and format which must be reflected by the impact studies and impact assessments referred to in this chapter.

2. The King shall impose, on the applicant for a licence or authorization to carry out activities subject thereto, a fee to cover the costs of the research provided for in this chapter and administrative costs.

In the case of military activities subject to a licence or authorization under article 27, the King shall establish rules concerning fees at the joint proposal of the Minister and the Minister responsible for national defence.

Chapter VIII
Emergency measures to protect and conserve the marine environment

Article 31. 1. If the marine environment is threatened by grave and imminent danger of harm, interference or damage, the competent authority for ocean matters may, according to such arrangements as it may deem appropriate, make the necessary requisition proposals. It shall immediately so inform the competent Ministers and the Governor of the province in which the requisitions are effected.

2. The Governor shall take all such requisition measures as he or she may deem necessary, shall so inform the Minister of the Interior and shall see that these measures are carried out forthwith, resorting to the police if necessary.

3. The measures taken under paragraph 2 above shall cease to have effect after 10 days if, by that time, they have not been confirmed by the Minister of the Interior. The parties concerned shall have the right to be heard in advance.

4. Compensation for requisition measures taken under this article shall be provided according to arrangements established by the King.

Article 32. 1. The competent authority for ocean matters shall automatically take the necessary emergency measures on the ocean to protect and preserve the marine environment from the possible effects of pollution or to deal with a threat of pollution. It may call upon rescuers and experts.

2. The Minister, the Minister of the Interior, the Minister responsible for scientific policy, the Minister responsible for national defence and the Minister responsible for maritime navigation shall jointly devise operational intervention, prevention, conservation, protection and action plans to address the pollution or threat of pollution of ocean space. These plans shall indicate which authority is competent to coordinate such activities.

3. When the competent authority for ocean matters tests the effectiveness of operational plans through real exercises, the provisions of article 36 shall apply, as appropriate.

Article 33. When the authority takes action in ocean space to prevent, reduce or combat pollution, it shall take care not to displace, directly or indirectly, the harm or risks from one area to another and not to replace one type of pollution with another type of pollution.

Article 34. The competent authority for ocean matters may accept a proposal by the party responsible for the pollution to deploy its own response capabilities to deal with the pollution or to reduce or prevent its effects. In such cases, the authority shall authorize, on a case-by-case basis, the proposed methods of intervention. The competent authority for ocean matters shall remain in charge of coordinating the on-site response and shall keep the operations under surveillance. Its decision shall not release the party responsible for the pollution from its responsibility to pay compensation for the costs of the damage caused.

Article 35. Any natural or artificial person responsible for pollution which threatens or affects ocean space or for an event which carries a serious risk of such pollution shall collaborate with the authority to deal with the pollution or to repair the damage caused thereby. Such persons shall abide by the instructions of the authority in charge of coordinating these actions.

Article 36. 1. No chemical may be poured into or diffused in the ocean to combat pollution and no object may, after being used, be left in the ocean without the authorization of the authority mandated for that purpose by the Minister. Such authorization shall be given on a case-by-case basis and may be conditional.

2. In addressing oil pollution, primary and priority use shall be made of mechanical means. The use of oil dispersants or other chemicals may be authorized only if an assessment of the circumstances leads to the conclusion that, in comparison to natural processes and other methods of combating pollution, chemical treatment will bring about an overall reduction of the unfavourable effects which such pollution is predicted to have on the marine environment. In this case, the amount of dispersant or other chemical used must be less than 20 per cent of the volume of the oil to be treated and may in no case exceed 100 tons per pollution incident.

3. In selecting the most appropriate means of combating pollution, the authority referred to in paragraph 1 above shall take into account the experience accumulated in this area by international organizations and in the framework of treaties.

4. The authority in charge of coordinating responses at the pollution site shall see that the provisions of paragraph 1 above are observed.

Chapter IX
Reparation for damage and environmental interference

Article 37. 1. Any damage and any environmental interference which affects ocean space as a result of an accident or a violation of the laws in force shall entail an obligation, on the part of the party responsible, to make reparation, even if the party is not guilty of negligence.

2. The party responsible for the damage or environmental interference shall not incur responsibility under paragraph 1 above if the said party proves that the damage or environmental interference:

(1) Is solely the result of a war, a civil war, an act of terrorism or a natural phenomenon of an exceptional, inevitable and irresistible nature; or

(2) Results entirely from the fact that a third party has deliberately acted or failed to act with the intention of causing damage or environmental interference, insofar as the third party concerned is not a representative, official or agent of the person responsible; or

(3) Results entirely from the negligence or other prejudicial action of an authority which, in the performance of its functions, is responsible for the upkeep of signals or other navigational aids.

3. The natural or artificial person having suffered the harm shall be entitled to reparation for damage. The State shall be entitled to reparation for environmental interference.

4. This article is without prejudice to the right of the party responsible for the pollution to limit its liability in the cases and conditions provided for in the laws in force.

5. The costs of measures for the reparation for damage or environmental interference taken by persons other than the party responsible for the damage or environmental interference in order to rehabilitate components of the marine environment or to replace them with equivalent components must be reimbursed by the party responsible for the damage or environmental interference, to the extent that the costs of such measures are not unreasonable in the light of the results to be achieved for the protection of the marine environment.

Article 38. The cost of the damage to be repaired in cases of pollution shall also include the costs borne by the authority and the persons having acted at its request to prevent, reduce or combat pollution of the marine environment or to preserve or protect the latter from pollution or the threat of pollution.

Article 39. The King shall determine, at the joint proposal of the Ministers referred to in article 32, paragraph 2, modalities for establishing and recovering the costs of the actions and services undertaken by the authority and by persons acting at its request to address pollution. The calculation of these costs shall take into account not only the expenses incurred as a result of the action taken, but also the fixed costs directly related to the action and the costs incurred in advance for acquiring the necessary response capacity.

Article 40. 1. The King may establish criteria and procedures for determining the existence of environmental interference and the cost of its reparation.

2. In cases of environmental interference, reparation shall be sought by the State, without prejudice to the right of the other persons referred to in article 37, paragraph 5, to seek, where applicable, the reimbursement of the costs they have incurred.

3. The party responsible for the environmental interference shall be required to pay the amount of the reparation to the Environment Fund referred to in the table annexed to the Organization Act of 27 December 1990 establishing budgetary funds.

Article 41. In cases where, on the basis of the provisions of this chapter, several persons are responsible for the same environmental damage or the same environmental interference, they shall be jointly responsible.

Article 42. 1. To ensure that the persons responsible for paying the compensation referred to in this chapter for damage to the marine environment cannot avoid their obligations, the authority may, once the risk of pollution has been established, require that security be paid to the Public Deposit Office in an amount sufficient to cover the foreseeable damage without exceeding the limits established by international law. The deposit of this sum may, without resulting in costs for the State, be replaced by the provision of a bank guarantee granted by a bank situated in Belgium or a guarantee signed by a Protection and Indemnity Club and declared acceptable by the authority.

2. In determining the amount of the security, the authority shall take into account not only the damage already produced, but also future risks and consequences, as assessed by the competent services of the authority.

Chapter X Monitoring and control

Article 43. Without prejudice to the powers of criminal investigation officers, violations of the provisions of this Act and the executory decisions taken hereunder shall be investigated and established by the following persons:

- (1) Shipping masters and marine civilian police officials and officers;
- (2) Captains of State ships and aircraft and their assistants;
- (3) Officials and officers of the Ministry of Economic Affairs designated by the Minister responsible for economic affairs;
- (4) Officials and officers of the Management Unit of the Mathematical Model of the North Sea;
- (5) Navy officers and non-commissioned officers mandated for that purpose by their superiors;
- (6) Officials of the Department of Sea Fishery of the Ministry of Small Enterprises, Traders and Agriculture designated by the Minister responsible for agriculture, insofar as the violations are connected with fishing;
- (7) Sworn officers designated by the Minister competent to provide for the supervision of marine protected areas established under article 7 of this Act.

Article 44. 1. Reports shall be drafted in Dutch or in French.

2. When a statement is made in another language at the request of the declarant, the latter shall provide a written statement in that language, which shall be attached to the report.

3. Reports shall be deemed authentic unless proved otherwise. A copy of the report shall be provided to the parties responsible within 15 days of the establishment of a violation, or, in the case of foreign nationals, to their representatives in Belgium, or, failing that, to the diplomatic mission of the State of which they are nationals.

Article 45. 1. The officials and officers referred to in article 43, numbers (1) to (7), and criminal investigation officers shall have free access day and night, in the performance of their duties, to vessels, facilities and structures situated in ocean space, to the extent that such free access is necessary in order to establish violations of the provisions of this Act and, in the case of merchant ships, that the procedures in force are observed.

2. In the performance of their duties, the officials and officers referred to in article 43, numbers (1) and (3), and criminal investigation officers shall have free access day and night to storerooms, depots, offices, warehouses, commercial buildings, vehicles and enterprises situated on land, to the extent that such free access is necessary in order to establish violations of the provisions of this Act. They may not visit premises which serve as dwellings unless authorized by a police court judge.

3. In the performance of their duties, the officials and officers referred to in article 43 and criminal investigation officers may be assisted by experts, and shall be entitled to demand access to and copies of documents.

4. Access to vessels and facilities of the armed forces, on sea or land, shall be permissible only with the authorization of the competent military authority.

Article 46. The officials and officers referred to in article 43 and criminal investigation officers may take samples or have them taken for purposes of analysis. A report shall be prepared on the taking of such samples.

Article 47. The officials and officers referred to in article 43 and criminal investigation officers may request assistance from the police in carrying out their mission.

Article 48. 1. If the competent authority for ocean matters has sound reasons for believing that a foreign vessel has violated Belgian laws and regulations, it shall have the right to initiate hot pursuit provided that the vessel or one of its boats is situated in the territorial sea or in the contiguous zone. However, in the case of a violation of the laws and regulations applicable to the exclusive economic zone or the continental shelf, hot pursuit may be initiated anywhere in ocean space.

2. Hot pursuit shall be effected by Belgian warships or military aircraft or by any other Belgian ship or aircraft in the public service and mandated for this purpose. Hot pursuit shall not be initiated unless the foreign vessel fails to respond to a visual or verbal order to stop, and shall continue without interruption beyond the limits of ocean space.

3. The right of hot pursuit shall cease when the vessel being pursued enters the territorial sea of the flag State or of another State, unless an agreement with that State provides otherwise.

4. Without prejudice to the exercise of the right of hot pursuit established by this article, the King may establish additional rules which the vessels and aircraft referred to in paragraph 2 above must observe in exercising that right.

Chapter XI Penal provisions

Article 49. 1. Violations of the provisions of articles 6, 7, 8, 10, 11 and 12 or of the relevant executory decisions shall be punishable by a fine of 500 to 100,000 francs.

2. Violations of the provisions of articles 13 and 14 or of the relevant executory decisions shall be punishable by a fine of 100 to 2,000 francs.

3. Should a further offence be committed within three years after a conviction for a violation of the provisions of articles 6, 7, 8, 10, 11, 12, 13 and 14 or of the relevant executory decisions, the penalty shall be doubled.

4. The penalties set forth in this article shall be doubled if the violation is committed between sunset and sunrise.

Article 50. 1. Violations of the provisions of articles 15, 16 and 17 shall be punishable by a fine of 100,000 to 1,000,000 francs and two months' to two years' imprisonment, or either of these penalties alone.

2. Subject to the provisions of article 52, violations of the provisions of articles 18 and 19 or of the relevant executory decisions shall be punishable by a fine of 10,000 to 200,000 francs and 15 days' to six months' imprisonment, or either of these penalties alone.

3. Should a further offence be committed within three years after a conviction for a violation of the provisions of articles 15, 16, 17, 18 and 19 or of the relevant executory decisions, the penalty shall be doubled.

4. The penalties set forth in this article shall be doubled if the violation is committed between sunset and sunrise.

Article 51. A captain who commits a violation of the provisions of article 20, paragraph 1, or article 21, paragraph 1, or of the relevant executory decisions shall be subject to a fine of 10,000 to 25,000 francs.

Article 52. 1. Any person who carries out an activity without having obtained in advance a licence or authorization in good and due form, as required under articles 18 and 25 and the relevant executory decisions, shall be subject to a fine of 50,000 to 500,000 francs and one month's to one year's imprisonment, or either of these penalties alone.

2. Should a further offence be committed within three years after a conviction for a violation of the provisions of articles 18 and 25, the penalty shall be doubled.

Article 53. Any person who fails to honour or causes an infringement of the obligation mentioned in article 36, paragraph 1, shall be subject to a fine of 10,000 to 200,000 francs.

Article 54. Any person who, in application of article 28, paragraph 2, or of executory decisions under article 30, paragraph 1, knowingly and deliberately provides inaccurate information to the authority in an impact study, when the correct information would have resulted in the refusal of the licence or authorization or when the accuracy of the environmental impact assessment is thereby compromised, shall be subject to a fine of 2,000 to 10,000 francs.

Article 55. Any person who, in application of this Act and the executory decisions taken hereunder, obstructs regularly conducted control, monitoring and detection missions or manifestly refuses to comply with the instructions received or manifestly ignores such instructions or the coordination provided by the authority, shall be subject to a fine of 2,000 to 10,000 francs.

Article 56. 1. Artificial persons shall incur civil responsibility for the payment of the damages, charges and fines levied against their entities or officials for violations of the provisions of this Act and the executory decisions taken hereunder.

2. Artificial persons, particularly the owner of the vessel concerned, shall incur civil responsibility for the obligations of their entities and officials arising from the application of article 37.

Article 57. A person found guilty of such a violation shall be required to pay 20 per cent of the amount of the fines imposed under articles 49 to 55 directly to the Environment Fund provided for in the Organization Act of 27 December 1990 establishing budgetary funds.

Article 58. Article 216 bis of the Code of Criminal Investigation concerning amicable settlement shall apply, on the understanding that:

- The minimum amount may not be less than one tenth of the minimum fine provided for under this Act, plus the applicable 10-per-cent surcharges;
- The party responsible must pay 20 per cent of the total amount of the settlement directly to the Environment Fund provided for in the Organization Act of 27 December 1990 establishing budgetary funds.

Article 59. 1. At the request of the Minister, the court shall order the removal of objects, structures or constructions placed in ocean space in violation of the provisions of this Act, as well as rehabilitation operations. The court shall set a deadline for this purpose, which shall not exceed one year.

In terms of direct reparation, the rights of the claimant shall be limited to the reparation determined by the Minister, without prejudice to the claimant's right to compensation for damage by the guilty party.

2. The court shall order that, if the site is not rehabilitated, the Minister and, possibly, the claimant may automatically arrange for such rehabilitation. The competent authority or individual enforcing the judgement shall have the right to sell the equipment or objects resulting from the rehabilitation of the site and to move, store and destroy them.

The guilty party shall be required to reimburse all the costs of such operations, minus the sale price of the equipment and objects, upon presentation of a sales statement assessed and rendered enforceable by the judge having ordered the seizures.

3. Paragraphs 1 and 2 shall not apply to vessels, objects or cargo having sunk as a result of accidents of navigation, referred to in chapter V of the Act of 11 April 1989 on the adoption and implementation of various international instruments concerning maritime navigation.

Article 60. All the provisions of Book I of the Penal Code, including chapter VII and article 85, shall be applicable.

Chapter XII
Amending provisions

Article 61. 1. Number (4) of article 1 of the Act of 6 April 1995 on the prevention of marine pollution from ships shall be amended as follows:

“(4) ‘Ship’: any vessel used in the marine environment, of any type, including pleasure boats, hydrofoils, hovercraft, submersibles, floating equipment and fixed or floating platforms;”.

2. The following text shall be inserted into the same article:

“(8) ‘Pleasure boat’: any vessel with an overall length of 2.5 to 24 metres, with or without its own means of propulsion, which is used solely for pleasure and the practice of water sports;”.

Article 62. The following text shall be inserted into article 6 of the same Act:

“Ships entering Belgian ports must have an identification number issued by the International Maritime Organization (IMO). This identification number must be clearly legible on the relevant ship’s papers.”

Article 63. 1. Article 5, second paragraph, of the same Act shall be replaced by the following:

“The first paragraph shall also apply to ships flying a foreign flag during the period in which such ships are under Belgian jurisdiction in accordance with international law, regardless of where the unlawful dumping occurred.”

2. An article 5 bis, reading as follows, shall be inserted into the same Act:

“*Article 5 bis.* The authority may put forward any evidence to confirm that there are sound reasons for believing that dumping has taken place, including depositions by eyewitnesses, photographs and films, colour variations on the surface of the water and any other standard international or regional means of assessment recognized by Belgium.

“Any visible trace left by a ship on or beneath the surface of the water, in its wake or in its immediate vicinity, shall constitute in itself a sound reason for believing that dumping has taken place.”

Article 64. An article 11 bis, reading as follows, shall be inserted into the same Act:

“*Article 11 bis.* Any oil tanker with a gross tonnage of at least 150 tons and any ship other than an oil tanker with a gross tonnage of at least 400 tons must have an oil pollution emergency plan on board.

“This plan must conform to International Maritime Organization guidelines. The plan shall include at least the following:

“(1) The procedure to be followed by the captain and other persons in command of the ship for the notification of pollution incidents in accordance with article 8 of Protocol I of the Convention, supplemented by International Maritime Organization guidelines;

“(2) A list of the authorities or persons to be contacted in case of accidental oil pollution;

“(3) A detailed description of the measures to be taken immediately by persons on board to combat or limit the discharge of oil as a result of the accident; and

“(4) Procedures and contact persons on board the ship for purposes of coordination between the measures taken on board and those taken by national and local authorities to combat pollution.”

Article 65. Article 12 of the same Act shall be amended as follows:

“No ship which does not have on board an emergency oil pollution plan, in accordance with the Convention and article 11bis, may leave a Belgian port.”

Article 66. In the same Act, an article 17bis shall be inserted as follows:

“*Article 17bis.* 1. In Belgian ports, shipping masters and marine police officers may conduct an investigation aboard a ship flying a foreign flag in order to determine whether harmful substances have been discharged contrary to the provisions of this law or of its implementing decrees, in the Belgian territorial sea or in another sea area over which Belgium can exercise jurisdiction under international law. Legal action may be taken when the evidence requires it. This competence is also granted to them, on their own initiative or at the request of another concerned State, for breaches of the Convention committed on the high seas. This competence is also extended to breaches of the Convention committed in the sea area coming under the jurisdiction of another coastal State, solely at the request of the latter or of the flag State.

“2. Shipping masters, marine police officers, commanding officers of patrol vessels and duly authorized naval officers and non-commissioned officers may conduct investigations on board a ship flying a foreign flag when the vessel is in Belgian territorial waters or in another sea area over which Belgium can exercise jurisdiction under international law, in order to determine whether harmful substances have been discharged at sea contrary to the provisions of this law or of its implementing decrees.

“3. An investigation at sea entails, in the first instance, the examination of all documents needed for establishing whether an illicit discharge has taken place, and an interview with the captain. If the documents do not provide sufficient evidence of the illicit discharge, a more detailed inspection may be carried out in the parts of the ship which are important in proving that the discharge took place, and samples may be taken.

“4. When they are acting pursuant to paragraph 2 or 3 above and the ship concerned is flying a foreign flag, the officials concerned shall comply with the following rules:

“(1) If there is good reason to believe that a vessel has committed a breach in the territorial sea, they may, within the territorial sea, carry out the investigation aboard the ship. If the evidence justifies it, legal action may be taken and the vessel may be detained within the territorial sea or brought to a Belgian port. The detention shall be lifted as soon as the security provided for in article 31, paragraph 2, of the present law has been deposited;

“(2) If there is good reason to believe that a vessel has committed a breach in the exclusive economic zone, they may request that the vessel provide to them all necessary information to determine whether a breach has indeed been committed, as well as the identity of the ship, its home port and its latest and next ports of call;

“(3) If there is good reason to believe that a vessel has carried out a discharge within the exclusive economic zone that is so serious as to constitute a breach of the Convention, they may, within the exclusive economic zone or the territorial sea, conduct the investigation aboard the ship if the latter has refused to provide information or if the information provided by the ship conflicts blatantly with the facts and the circumstances justify such an inspection;

“(4) If there is clear and objective evidence that the vessel has carried out a serious illicit discharge within the exclusive economic zone which has caused or is likely to cause significant damage to the marine environment or to Belgian coastal interests, the vessel may be detained in the exclusive economic zone or the territorial sea and brought to a port and legal proceedings may be instituted. The detention shall be lifted immediately upon posting of the security provided for by article 31, paragraph 2, of this law;

“(5) In the case of a discharge of oil, paragraph 3 above shall apply automatically if visible traces of the discharge are visible in or on the water in the immediate vicinity of the vessel or in its wake, and paragraph 4 above shall apply automatically if preliminary estimates show that the discharge comprises more than 1,000 litres of oil;

“5. In case of an inquiry on board a vessel at sea, the latter’s safety and the safety of marine navigation may not be endangered and the marine environment may not be exposed to any unreasonable risk. To that end, ships may be required to go to a safe anchorage at sea and may be brought to a port.”

Article 67. Article 18 of the same Act is replaced by the following provision:

“*Article 18.* The flag State shall be informed without delay, through its diplomatic representatives, of the detention of one of its ships and of the measures which may arise from the criminal proceedings instituted on the basis of article 17bis.

“Criminal proceedings may not be instituted on the basis of article 17bis once three years have elapsed since the date on which the offence was committed.

“Criminal proceedings on the basis of article 17bis, paragraph 4 (4), shall be suspended at the express request of the flag State provided that, within six months following the date of the initial proceedings, the flag State itself institutes criminal proceedings based on the same complaints and that proof of these proceedings is made available to the Belgian State in the form of a complete file on the case together with prosecution records. When the proceedings instituted by the flag State are concluded, the criminal proceedings suspended in Belgium shall be abandoned. After deduction of expenses incurred in Belgium for the inquiry on board the ship, the collection of samples relating to the discharge, the analysis of these samples and the opening of the prosecution, the security provided for in article 31 shall be released.

“Criminal proceedings begun in Belgium cannot be suspended in the case of a discharge which has caused significant damage to Belgian coastal interests or where the flag State has previously failed to act on its obligation to prosecute an offence committed by its ships.”

Article 68. Article 20, paragraph 1, of the same Act shall be amended as follows:

“(6) Where the vessel does not have an emergency oil pollution plan as provided for in the Convention and in article 11bis of this Act;

“(7) Where the vessel does not have an IMO identification number as required by article 6, paragraph 4, of this Act.”

Article 69. Article 25 of the same Act shall be amended by adding the following subparagraph:

“Breaches of the provisions of article 5, and refusal of the inquiry or evasion of the detention provided for in article 17bis, shall be recorded in a report which shall be given credence in the absence of proof to the contrary. A copy of this report, specifying the penalty provided for in this law, shall be transmitted to the captain, master or owner of the vessel no more than 24 hours after the breach has been observed.”

Article 70. Article 29 of the same Act shall be replaced by the following provision:

“*Article 29.* If the provisions of articles 5 and 12 or of their implementing decrees have not been complied with on board a vessel, its owner, charterer, manager or operator shall be subject to a fine of 500,000 to 1,000,000 francs. If the vessel is a pleasure craft or fishing boat, its owner, charterer, manager or operator shall be subject to a fine of 10,000 to 25,000 francs.

“If the breach is committed between sunset and sunrise, the fine shall be doubled.

“In the event of a repetition of the offence within three years of conviction, the aforementioned fines may be increased to double the maximum amount.

“The captain of a vessel, other than a pleasure craft or fishing boat, which contravenes articles 5, 10, 11 or 12 of the present Act or its implementing decrees or refuses to comply with the provisions of articles 14, 15 or 17bis or fails to fulfil the obligations contained therein shall be subject to a fine of 10,000 to 25,000 francs.

“The skipper or master of a fishing boat or pleasure craft which contravenes article 5 of the present Act, or refuses to cooperate with the opening of the investigation or evades the detention provided for in article 17bis, shall be subject to a fine of 3,000 to 25,000 francs.

“The officers of a vessel who contravene articles 5, 10 and 12 of the present Act or its implementing decrees, or refuse to comply with the obligations provided for in articles 14, 15 and 17bis or fail to observe them, shall be subject to a fine of 2,000 to 10,000 francs.”

Article 71. Article 29bis, consisting of the following wording, shall be inserted into the same Act:

“*Article 29bis.* Article 216bis of the Code of Criminal Investigation relating to amicable settlements is applicable; however, the minimum amount of the settlement shall be no less than one tenth of the minimum fine provided for by the present Act, plus the additional 10 per cent surcharges.”

Article 72. Article 30 of the same Act shall be replaced by the following provision:

“Article 30. Any person who is fined under article 29 or who has agreed to an amicable settlement under article 29bis shall pay 20 per cent of the amount of the fine or settlement directly to the Environment Fund.”

Article 73. Article 31 of the same Act shall be replaced by the following provision:

“*Article 31.* When there is a prima facie case of a breach of articles 5, 10, 11, 12, 14 or 15, the shipping master may prohibit the captain from leaving Belgian ports with his ship unless a sum equivalent to the maximum provided for in article 29 for offences, plus the additional 10 per cent surcharges, is deposited as security with the Public Deposit Office. The payment of this sum may, without causing any expense for the authorities, be replaced by a bank guarantee from a bank incorporated in Belgium.

“Ships detained at sea or in Belgian ports pursuant to article 17bis shall be released as soon as a sum equivalent to the maximum provided for in article 29 for offences, plus the additional 10 per cent surcharges, is deposited as security with the Public Deposit Office. The payment of this sum may, without causing any expense for the authorities, be replaced by a bank guarantee from a bank incorporated in Belgium.

“The fine imposed in a final judicial decision or agreed to in an amicable settlement, as the case may be, shall be deducted from the security deposit.

“The remaining balance of the sum shall immediately be repaid.

“Interest on the amount deposited shall be added to the security.”

Article 74. Article 32 of the same Act shall be modified as follows:

(1) The second subparagraph shall be replaced by the following:

“Pursuant to article 5 of the present Act, offences at sea shall also be investigated and reported on by:

“1. Commanding officers of patrolling vessels and aircraft of the State and persons acting for them;

“2. Officials and agents of the Management Unit of the Mathematical Model of the North Sea;

“3. Naval officers and non-commissioned officers authorized for the purpose by their superiors.”

(2) The third subparagraph shall be replaced by the following:

“The officials and agents described in subparagraph 2 (2) shall also be responsible for any missions to investigate breaches of the Convention that are entrusted to the Belgian authorities pursuant to international agreements relating to aerial monitoring of marine pollution.”

(3) A fourth subparagraph shall be added to this article, as follows:

“Breaches of this Act and its implementing decrees shall be recorded in reports written by those who have witnessed the incidents in question, and such reports shall be given credence in the absence of proof to the contrary.”

Article 75. The following subparagraph shall be inserted before the sixth subparagraph of article 13 of the Act of 11 April 1989 approving and implementing various international instruments relating to maritime navigation:

“In case of any risk of pollution of the marine environment of the territorial sea or the exclusive economic zone or when the safety of navigation in these sea areas is endangered, the owner of the vessel which has run aground or sunk must salvage the wreck, debris, rigging, cargo and any dangerous substances or objects originally on board which have sunk, and remove them from the marine environment unless authorized by the authorities to abandon them pursuant to articles 25 and 26 of the Act of 20 January 1999 on protection of the marine environment in ocean space under Belgian jurisdiction.”

Article 76. The following shall be added to article 14, first subparagraph, of the same Act:

“(e) to take all other necessary measures to protect the marine environment of the territorial sea and exclusive economic zone from possible pollution.”

Article 77. The following changes shall be made to article 17 of the same Act:

(1) The following shall be added to the final subparagraph of paragraph 1:

“5. Harm as defined in the Act of 20 January 1999 on protection of the marine environment and ocean space under Belgian jurisdiction.”

(2) Paragraph 5 shall be replaced by the following provision:

“5. Anyone who (1) violates articles 13-16 of the present Act or (2) violates their implementing decrees shall be liable to a term of imprisonment of fifteen days to one year or a fine of 500 to 2,000,000 francs, or both.”

Article 78. The following shall be added to article 85, subparagraph 1, of the Act of 24 December 1976 relating to the proposed budget for 1976-1977:

“However, when the accidental contamination or pollution takes place at sea or comes from a seagoing vessel, these expenses shall be borne by the perpetrator in accordance with international law. In this case, the owners of any vessels involved shall jointly bear the civil liability.”

Article 79. The following shall be added to article 3 of the Act of 13 June 1969 relating to the continental shelf of Belgium:

“2. Any application for a concession or licence shall include an environmental impact study prepared under the responsibility and at the expense of the applicant. The application shall be subject to an environmental impact assessment.

“The environmental impact study shall be prepared and the environmental impact assessment shall be carried out in accordance with the rules relating to procedure, content and form established by the King on the basis of a joint proposal by the Minister responsible for economic affairs and the Minister responsible for the environment.

“Exploration and exploitation shall be subject to continuous monitoring of the effect of the activities concerned upon movements of sediment and the marine environment.

“3. The Minister responsible for the environment shall issue an opinion on the environmental impact study and the results of the environmental impact assessment.

“Concessions, licences, extensions and renewals may be granted only with the approval of the Minister responsible for the environment.

“The results of the continuous monitoring shall be taken into account in considering all applications and requests for extension or renewal of a concession or licence.

“If the continuous monitoring reveals unacceptable harmful effects of the activities concerned upon movements of sediment and the marine environment, the concession or licence may be wholly or partly withdrawn or suspended.

“4. Exploration and exploitation shall be subject to a charge, in accordance with modalities contained in the terms of the concession, for the carrying out of continuous monitoring of the effects of the activities concerned upon movements of sediment and the marine environment.

“5. A consultative commission shall be created by the King, on the basis of a joint proposal by the Minister responsible for economic affairs and the Minister responsible for the environment, to ensure coordination among the government departments involved in managing the exploration and exploitation of the continental shelf and territorial sea.

“A general report on the results of the continuous monitoring shall be submitted to the commission every three years.

“The commission shall be responsible for the following:

- Coordinating the consideration of applications for concessions and formulating an opinion on such applications;
- Following up various studies conducted on the impact of sand extraction on the continental shelf;
- Considering the three-yearly report;
- Recommending corrective measures if a negative impact is discovered; and
- Formulating opinions on policy concerning all aspects of sand extraction.

The costs and operational modalities of the commission may be determined by the King.”

Article 80. In the table annexed to the Law of 27 December 1990 establishing budgetary funds, under the item “25-4 Environment Fund”, the words “the reparation referred to in article 40 of the Act of 20 January 1999 on protection of the marine environment and ocean space under Belgian jurisdiction and the amounts described in articles 57 and 58 thereof” shall be inserted between the words “the fines referred to in article 30 of the Act of 6 April 1995 on the prevention of marine pollution from ships” and the words “Nature of the authorized expenditure”.

Article 81. The Act of 26 March 1971 on the protection of surface waters from pollution is repealed insofar as it applies to the territorial sea.

Article 82. The Act of 8 February 1978 approving and implementing the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft and its Annexes (Oslo, 15 February 1972) and the Protocol amending the Convention (Oslo, 2 March 1983), and their implementing decrees are repealed.

We promulgate the present Act and order that it be sealed with the seal of the State and published by the *Moniteur belge*.

DONE at Brussels, 20 January 1999.

ALBERT

- (b) Act amending the Judicial Code, to protect the marine environment and ocean space under Belgian jurisdiction, 28 February 1999⁵

ALBERT II, King of the Belgians,

To all, present and future, greetings.

The Chambers have adopted and We assent to the following:

Article 1. This Act relates to a matter referred to in article 77 of the Constitution.

Article 2. An item 31 is added to article 569, first subparagraph, of the Judicial Code, as follows:

“31. In the absence of other provisions which determine competence, applications introduced pursuant to the Act of 20 January 1999 on protection of the marine environment and ocean space under Belgian jurisdiction.”

Article 3. A second subparagraph is added to article 633 of the same Code, as follows:

“For applications relating to the arrest of ships and enforcement procedures instituted under the Act of 20 January 1999 on protection of the marine environment and ocean space under Belgian jurisdiction, the judges of first instance of the districts of Furnes, Bruges and Antwerp shall also be competent.”

Article 4. Without prejudice to the competence of military courts, the courts of Brussels, Bruges, Furnes and Antwerp shall be competent to consider violations of this Act.

We promulgate the present Act and order that it be sealed with the seal of the State and published by the *Moniteur belge*.

DONE at Brussels, 28 February 1999.

ALBERT

⁵ *Moniteur belge*, 12 March 1999, Ed.2, F. 99-713, pp. 8053-8054.

B. Bilateral treaties

Treaty between the Federal Republic of Nigeria and the Republic of Equatorial Guinea concerning their maritime boundary, 23 September 2000⁶

The Governments of the Federal Republic of Nigeria and the Republic of Equatorial Guinea,

Considering that they are moved by the desire to strengthen the strong and brotherly relations between them as neighboring countries and to preserve peace in their relations and on the African continent,

Desiring to establish the boundary between their respective exclusive economic zones to the south and west of Point (i) described in article 2 below,

Intending subsequently to establish the further sector of the maritime boundary to the north and east of the said Point (i),

The two Presidents declare their will to conclude this maritime boundary delimitation Treaty that safeguards the sovereign rights and economic interests of each country in accordance with the international law of the sea, and to that end

Have agreed as follows:

Article 1

The purpose of this Treaty is to establish the partial maritime boundary between the Federal Republic of Nigeria and the Republic of Equatorial Guinea described in article 2, and provide for the remainder of the maritime boundary in accordance with article 3.

Article 2

Southwards and westwards from point (i) identified below, the maritime boundary between the Federal Republic of Nigeria and the Republic of Equatorial Guinea shall be constituted by successive straight lines connecting the following points:

- (i) Latitude 4° 01' 37.0"N, Longitude 8° 16' 33.0"E
- (ii) Latitude 3° 53' 01.8"N, Longitude 8° 04' 10.7"E
- (iii) Latitude 3° 51' 54.8"N, Longitude 8° 04' 58.9"E
- (iv) Latitude 3° 51' 20.2"N, Longitude 8° 04' 04.0"E
- (v) Latitude 3° 52' 25.8"N, Longitude 8° 03' 18.5"E
- (vi) Latitude 3° 42' 37.0"N, Longitude 7° 49' 10.0"E
- (vii) Latitude 3° 38' 42.4"N, Longitude 7° 49' 10.3"E
- (viii) Latitude 3° 26' 46.5"N, Longitude 7° 35' 40.7"E
- (ix) Latitude 3° 15' 12.0"N, Longitude 7° 22' 35.8"E

⁶ Not yet in force. Text communicated on 31 October 2000 by the Ministry of Foreign Affairs of Nigeria.

- (x) Latitude 2° 52'10.9"N, Longitude 7° 22'.37.8"E

Article 3

Northwards and eastwards from point (i) identified in article 2 the maritime boundary shall be established by the Contracting Parties, and recorded in a Protocol to this Treaty, following completion of the maritime aspects of the case before the International Court of Justice between the Federal Republic of Nigeria and the Republic of Cameroon, concerning the land and maritime frontier between them.

Article 4

North and west of the maritime boundary established by this Treaty, the Republic of Equatorial Guinea shall not claim or exercise sovereign rights or jurisdiction over the waters or seabed and subsoil. South and east of the maritime boundary established by this Treaty, the Federal Republic of Nigeria shall not claim or exercise sovereign rights or jurisdiction over the waters or seabed and subsoil.

Article 5

The geographic positions set forth in article 2 are referenced to the World Geodetic System 1984 (WGS-84). All lines referred to in article 2 are geodetic lines.

Article 6

1. Should the maritime boundary established by this Treaty run through any field of hydrocarbon deposits so that part of the field lies on the Nigerian side of the boundary and part lies on the Equatorial Guinea side, the Contracting Parties shall seek to reach appropriate unitization arrangements for each such field.
2. In implementing paragraph 1 of this article within the area formed by straight lines connecting points (ii), (iii), (iv) and (v) set forth in article 2, the Contracting Parties shall authorize the relevant government entities in association with the relevant concession holders to establish appropriate unitization and other arrangements to enable this area to be developed in a commercially feasible manner. Such arrangements shall not be effective until the entry into force of this Treaty.

Article 7

1. This Treaty shall be subject to ratification.
2. This Treaty shall enter into force upon the exchange of the instruments of ratification.
3. Without prejudice to paragraph 2 of this article, and subject to review if no arrangements have been agreed within a reasonable time in accordance with article 6.2, this Treaty shall be provisionally applied as from today's date.

Article 8

As soon as possible after this Treaty has entered into force, it shall be registered with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

DONE at Malabo, the 23rd of September 2000, in two originals in each of the English and Spanish languages, both language texts being equally authoritative.

H.E. OLUSEGUN OBASANJO

H.E. OBIANG NGUEMA MBASOGO

President Federal Republic Nigeria

President Republic of Equatorial Guinea

C. Multilateral treaties

1. Framework Agreement for the Conservation of the Living Marine Resources on the High Seas of the South-eastern Pacific (“Galapagos Agreement”), 14 August 2000

THE COASTAL STATES OF THE SOUTHEAST PACIFIC, MEMBERS OF THE SOUTH PACIFIC PERMANENT COMMISSION (SPPC) AND OTHER INTERESTED STATES,

WHEREAS:

The coastal States of the Southeast Pacific, through the 1952 Declaration of Santiago, proclaimed their sovereignty and exclusive jurisdiction within a 200-mile maritime zone, with the aim of ensuring the conservation and appropriate exploitation of the natural resources off their coasts, and laid the foundation for this zone’s establishment and acceptance as one of the fundamental institutions of the new law of the sea;

The Declaration of Santiago also recognized the coastal States’ duty to prevent an excessive exploitation of natural resources outside the reach of their national jurisdiction, which could endanger those resources’ existence, integrity and conservation, detrimental to the peoples that in their seas possess irreplaceable subsistence resources;

With these goals in mind, the coastal States in question agreed to establish the South Pacific Permanent Commission (SPPC), to coordinate their maritime policies and to promote the adoption of measures to preserve the environment and protect the integrity of the Southeast Pacific’s marine ecosystem;

In conformity with the relevant provisions of international law, all States have the right to allow their nationals to engage in fishing on the high seas, subject, inter alia, to the rights, duties and interests of the coastal States with regard to the capture of straddling and highly migratory species;

These provisions imply the recognition of a preferential status for the coastal States, justified by the relationship that exists between fish stocks of such species and the marine ecosystems of those States, as well as by the effects of fishing activities on certain coastal fish populations, associates or dependent of the same;

The uncontrolled exploitation of living marine resources in high seas areas adjacent to zones under national jurisdiction represents a threat to the conservation and sustainable use of said resources, as well as to fish populations dependent on or associated with them, and it may undermine the effectiveness of measures adopted by the coastal States with respect to the same species, within their 200-mile zones;

The provisions on these matters contained in recent instruments adopted within the United Nations Organization must be evaluated and adapted to the specific requirements of the Southeast Pacific;

In the light of the considerations set forth here, the coastal States of the Southeast Pacific have the right and duty to ensure the conservation and sustainable use of the living marine resources present in their subregion, including those which migrate from the zones under their national jurisdiction to the high seas and vice versa;

These countries have administered some of the world’s biggest fishing grounds and have adopted effective measures to promote the long-term sustainability of the living marine resources there, and thus they have a special interest in ensuring that the measures applied on the adjacent high seas are no less strict than those in the zones under their jurisdiction;

Taking the above into account, at the Fifth Foreign Ministers’ Summit of the SPPC Member States (Santafè de Bogotá, 4 August 1997), the decision was made to prepare a Framework Agreement for the Conservation of Fishery Resources on the High Seas of the Southeast Pacific, the basic outlines of which were included in an attachment to the Ministerial Declaration emerging from that Summit;

According to those outlines, the Framework Agreement shall establish conditions and procedures allowing, after approval by the SPPC Member States, later accession by other States whose fishing fleets are active in the Agreement's area of application and which have an established interest in the living marine resources in question;

In conformity with the outlines mentioned, the Framework Agreement must also be general in nature and permit later development through the addition of complementary instruments establishing specific provisions to ensure the conservation and sustainable use of the living marine resources in question, in accordance with their nature, characteristics and area of distribution;

Before the permanent institutional mechanisms are put into place for the implementation of the Framework Agreement and its complementary instruments, the SPPC General Secretariat has indicated its willingness to act provisionally as Secretariat for the regional organization being established;

AGREE TO SUBSCRIBE TO THE FOLLOWING FRAMEWORK AGREEMENT FOR THE CONSERVATION OF LIVING MARINE RESOURCES ON THE HIGH SEAS OF THE SOUTHEAST PACIFIC:

Article 1
Definition of terms

1. For the purposes of this Framework Agreement, the following terms shall be defined as stated:
 - 1.1 "Coastal States": Chile, Colombia, Ecuador and Peru;
 - 1.2 "States Parties": the coastal States along with other interested States, which subscribe and ratify this Agreement or accede to it;
 - 1.3 "Other interested States": the States involved in distant-water fishing which have an established interest in specific fishery resources in this subregion, including qualified intergovernmental organizations;
 - 1.4 "Established interest": the interest demonstrated by a State whose nationals habitually fish for one or more fish populations within this Agreement's area of application and whose participation may fall within the scope of this interest;
 - 1.5 "Concerned States": the States Parties, whether coastal or otherwise, along with other interested States;
 - 1.6 "Qualified intergovernmental organizations": regional organizations constituted by States, which have had powers transferred to them in subjects covered by this Agreement, including the power to make decisions in relation to such subjects that are binding on Member States;
 - 1.7 "Area of application of the Agreement": as established in article 3;
 - 1.8 "Zones under national jurisdiction": those subject to the jurisdiction and sovereignty of the coastal States, up to the limit of 200 nautical miles measured from the baselines, including the jurisdictional zones established for island territories beyond the limit of the continental maritime zones;
 - 1.9 "SPPC": the South Pacific Permanent Commission;
 - 1.10 "General Secretariat": the General Secretariat of the SPPC;
 - 1.11 "Conservation measures": measures aimed at ensuring the sustainable exploitation of one or more fish populations, adopted in the Framework Agreement's area of application in a manner compatible with the relevant provisions of international law and in conformity with the provisions of this Agreement. For the purposes of this Agreement, the term "conservation" shall henceforth include the concept of the sustainable exploitation of living marine resources;
 - 1.12 "Straddling and highly migratory fish populations": those defined in the United Nations Convention on the Law of the Sea, including fish and mollusks belonging to the species regulated by the Agreement, in conformity with the provisions of article 4;

1.13 “Living marine resources”: the straddling fish species or highly migratory and the other live marine resources associated or dependents of the same;

1.14 “Relevant provisions of international law”: those recognized in this subject in the United Nations Convention on the Law of the Sea and other international instruments currently in force for the States Parties, as well as the provisions incorporated into common law through the general practice of States;

1.15 “Complementary instruments”: those agreed upon by the States Parties or concerned States, whichever the case may be, in conformity with the provisions of this Framework Agreement, through conventions, protocols or annexes, as appropriate, on specific matters where this is seen to be necessary, with the aim of developing or regulating the provisions of the Agreement, taking into account the nature of the species in question.

Article 2 Objective of the Agreement

The objective of this Framework Agreement is the conservation of living marine resources in the high seas zones of the Southeast Pacific, with special reference to straddling and highly migratory fish populations.

Article 3 Area of application

1. The Framework Agreement shall apply exclusively to the high seas of the Southeast Pacific, encompassed by the outer limits of the coastal States’ national jurisdiction zones and a line traced along the complete length of the 120 west meridian of longitude, from the 5 north parallel of latitude to the 60 south parallel of latitude. It does not apply to the zones under national jurisdiction corresponding to oceanic islands belonging to any of the coastal States, but it shall also include the areas of high seas surrounding and adjacent to these oceanic islands, within the limits described.

2. The provisions of paragraph 1 notwithstanding, the complementary instruments may refer to other areas of application, according to the nature, characteristics, displacement and ecological relationships of the fish populations regulated by such instruments.

Article 4 Regulated species

1. Without prejudice to their later application to other living marine resources present in the area described in article 3, conservation standards will first be adopted for particular species judged to be of high priority.

2. At the States Parties’ first meeting within the three-month period following this Agreement’s entry into force, they must identify such high-priority species, considering those which require preferential treatment because of their commercial interest or special conservation requirements.

3. The specific species to be regulated, as well as later additions of species or exclusions of any of them, shall be established through an annex adopted by the States Parties.

4. The States Parties shall give due consideration to the provisions of existing multilateral instruments regarding one or more of such species, which may be applicable in conformity with the relevant provisions of international law.

5. In the determination of regulated species, the States Parties shall also consider the need to preserve the ecological equilibrium that exists between fish stocks of those species and populations of associated or dependent fish species.

Article 5
Conservation principles

1. In the implementation of this Framework Agreement, the following principles, among others, shall be followed:

(a) The measures adopted shall be based on appropriate scientific and technical information, with the aim of ensuring the long-term conservation of the Southeast Pacific's living marine resources within the area of application.

(b) The scarcity or lack of available information shall not be construed as a reason to prevent or delay the adoption of precautionary measures, including points of reference for specific fish populations.

(c) In the establishment of conservation measures for regulated species, the effects of fishing for specific fish stocks on the populations of associated or dependent species, as well as on the marine ecosystem as a whole, shall be taken into account.

(d) The effects of environmental changes and other phenomena which might affect the marine ecosystem, along with the direct or indirect effects of capture, shall be taken into account, in order to reduce or prevent the risk of potentially irreversible alterations.

(e) The measures adopted shall not be less strict than those established for the same species in the zones under national jurisdiction adjacent to the Agreement's area of application, shall not undermine the effectiveness of the same, and shall be fully compatible with them in all cases.

(f) Appropriate measures shall be adopted to prevent incidental captures as well as excesses in fishing and fishing capacity.

2. In the application of these principles and in other provisions of the Framework Agreement, particularly in the decision-making process as described in article 12, due account shall be taken of the fact that, in conformity with the relevant provisions of international law, the freedom of fishing on the high seas is subject, inter alia, to the rights, duties and interests of the coastal States and to the conservation and administration rules of the living resources of the high seas.

Article 6
Conservation and sustainable use measures

Measures for the conservation of regulated species may include the following elements, among others:

(a) The designation of subzones within the Framework Agreement's area of application, taking into account the nature, characteristics and distribution of the fish populations in question, as well as other geographical, ecological, scientific, statistical and operational criteria;

(b) The setting of catch limits for various fish populations in the area of application or in established subzones;

(c) The regulation of fishing effort to prevent its concentration on one particular species or zone;

(d) The establishment of appropriate open and closed seasons for fishing activities;

(e) The adoption of capture methods, including the selective use of fishing tackle and equipment and appropriate fishing methods;

(f) The regulation of minimum permissible sizes and/or ages for capture, and if applicable, the sex of regulated species, along with any other biological parameter which would assist in the conservation of those species; and

(g) Additional conservation measures that are deemed appropriate to ensure the fulfilment of this Agreement's objective.

Article 7
Obligations of the States Parties

With the aim of fulfilling this Agreement's objective, the States Parties assume the following obligations:

(a) To adopt necessary measures so that their national-flag vessels comply with the conservation measures set forth in this Agreement and do not undertake activities that undermine the effectiveness of these measures;

(b) To grant fishing authorizations for the Agreement's area of application to vessels flying their national flag, maintain a registry of such vessels and exercise effective control over them to ensure the fulfilment of the measures adopted;

(c) To observe international norms regarding the identification and marking of fishing vessels and fishing equipment;

(d) To establish rules for the registry and communication, as appropriate, of data such as vessel location, captures of regulated fish species, by-catch, fishing effort, environmental conditions and other related data of interest, in conformity with international standards for the gathering of such data;

(e) To gather and make available scientific, technical and statistical information about the fish populations captured within the Agreement's area of application, and, as far as possible, about associated or dependent species, maintaining confidentiality, where appropriate, in the management of such information;

(f) To carry out and interchange studies on ecological, economic and social considerations related to the utilization of fishery resources;

(g) To carry out and support scientific studies and develop appropriate technologies related to the conservation of living marine resources;

(h) In the case of States possessing sufficient means, to cooperate in support of technical assistance and training programmes, aimed at contributing to the implementation of this Agreement; and

(i) In the case of the coastal States, to seek to harmonize the conservation measures in force in their national jurisdiction zones.

Article 8
Follow-up, monitoring, control and enforcement measures

1. The States Parties shall work together to ensure the fulfilment of the conservation measures adopted, through the establishment of follow-up, monitoring, control and enforcement systems, including the use of satellite data and positioning and, when appropriate, the boarding and inspection of fishing vessels and the escorting of such vessels to port when infractions are discovered, in conformity with relevant provisions of international law.

2. The States Parties shall include provisions in their national laws to ensure fulfillment by their nationals of the rules and measures agreed under this Agreement.

3. The States Parties shall hold consultations to determine the most effective measures to prevent illicit, unregulated and undeclared fishing, including boat-to-boat transfers to evade compliance with conservation measures, whether by vessels flying their national flags, those flying the flags of other States, those flying flags of convenience or those operating without a national flag.

Article 9
Measures to be adopted by port States

In the exercise of their sovereignty in conformity with the relevant provisions of international law, the States Parties which are also port States shall adopt the following measures, among others:

(a) To inspect, when necessary, the documents, fishing equipment and catches of fishing vessels which voluntarily enter their ports and coastal installations;

(b) To prevent disembarkation and ship-to-ship transfers when reasonable grounds exist to believe that captures of fish in the Agreement's area of application have been carried out in contravention of the rules and conservation measures adopted by the States Parties, or, in the absence of such measures, when such captures have served to undermine the effectiveness of the measures in force with respect to the same fish populations in the coastal States' national jurisdiction zones.

Article 10
Violations and penalties

1. The States Parties shall agree upon a list of violations and an adequate regimen of penalties, based on the principles of proportionality and adequate deterrence, for infringements of the measures adopted, including, as appropriate, the imposition of fines, the confiscation of catches and the suspension or revocation of authorizations to fish in the relevant area of the Agreement's application.

2. In addition, a system shall be put into place to inform concerned States of violations committed and the penalties imposed.

Article 11
Institutional mechanisms

1. The States Parties shall establish an organization for the conservation of living marine resources in the Southeast Pacific, which in principle, shall include:

(a) A Commission tasked with adopting the necessary decisions for the fulfilment of the Agreement's provisions;

(b) A Scientific-Technical Committee, to serve as a consulting body for the Commission on these matters;

(c) A Secretariat;

(d) Any other subsidiary body that the States Parties, or the Commission once it has begun operation, decides to establish in support of the Agreement's implementation.

2. Until the institutional mechanisms have been put into place, the assembly of the States Parties shall carry out the functions of the Commission, and the General Secretariat those of the Organization's Secretariat.

3. In addition, the assembly of the States Parties shall designate a representative for the Scientific-Technical Committee from each State Party, who has adequate scientific capacity and who may be accompanied by experts and advisors.

4. The States Parties shall supply the necessary financial contributions to support these activities, assessed on a proportional scale similar to that used by the United Nations Organization.

5. The Agreement's complementary instruments shall also include provisions regarding the establishment and financing of those institutional mechanisms which may be considered appropriate by the States Parties.

Article 12
Decision-making processes

1. The States Parties shall make all necessary efforts to ensure that decisions on issues considered to be substantive are reached by consensus. The determination of whether or not an issue is substantive shall also be considered a substantive question. If all efforts at conciliation are exhausted, however, and no consensus can be reached by the end of the day following the examination of the issue in question, the decision shall be made through the favourable vote of at least two thirds of the representatives of the States Parties present, including a majority of the coastal States. In the case of measures whose application may affect the conservation of fish stocks within the national jurisdiction zone of a coastal State, the adoption of such measures shall require that State's affirmative vote.
2. Decisions on non-substantive matters shall be adopted by a simple majority of the representatives of the States Parties present. However, if a matter refers to an area immediately adjacent to the national jurisdiction zone of a coastal State, and the measures to be adopted may affect the conservation of fishery resources in that zone, that State may declare the decision to be a substantive issue.
3. When the participation of the representative of a qualified intergovernmental organization is required in decision-making, it must be specified whether a representative of any of said organization's member States which is also party to the Framework Agreement will also participate. If this is the case, the number of States Parties taking part in the vote shall not exceed the number of member States of the intergovernmental organization, and the representative of the latter shall have the right to only one vote.

Article 13
Non-party States

The States Parties shall, individually or collectively, adopt appropriate measures, compatible with international law, to dissuade fishing vessels flying the flags of non-party States from undertaking activities which undermine the effectiveness of the conservation measures adopted.

Article 14
Dispute settlement

1. Disagreements among the States Parties as to the interpretation or application of the provisions established in this Agreement, or in its complementary instruments, shall be resolved in the first instance through the dispute-settlement procedures set forth in Article 33 of the Charter of the United Nations, or in other international instruments in force for the States Parties.
2. If an agreement cannot be reached, disputes must be submitted either to a conciliation commission or to a technical arbitration body, unless both parties have agreed upon a different procedure.
3. If the voluntary dispute-resolution measures are exhausted, or if agreement is not reached on recourse to other instances, such as the International Court of Justice or the International Tribunal for the Law of the Sea, either of the parties may solicit a binding arbitration procedure.
4. In no case, subject to the applicable provisions in conformity with international law, shall disputes concerning the exercise of the coastal States' sovereign rights within their respective national jurisdiction zones be submitted to the procedures set forth in paragraph 3.

Article 15
Safeguard Clause

None of this Agreement's provisions shall be construed to infringe upon, affect or modify the positions of the States Parties with respect to the nature, limits or reach of their respective zones under national jurisdiction, nor their positions regarding the international instruments which address these issues.

Article 16
Signing, ratification and accession

1. The present Agreement shall be opened for signature by the four coastal States of the Southeast Pacific and ratified according to their respective constitutional procedures in force.
2. Once it enters into force, in accordance with the provisions of article 19, the Agreement shall become open for signature by other interested States for a twelve-month period. After this term has passed, any interested State may accede to the Agreement.

Article 17
Deposit and registration

1. The original of this Agreement and the instruments of ratification or accession, as well as the texts of future amendments or withdrawals, shall be deposited with the General Secretariat of the SPPC, and as an alternative, with the Ministry of Foreign Relations of the State where the Organization's headquarters is established, in conformity with the provisions of article 11.
2. The depositary shall provide the States Parties with authenticated copies of each document.
3. Once the Agreement enters into force, it shall be registered with the Secretariat of the United Nations.

Article 18
Reservations and declarations

This Agreement shall not be the object of reservations. However, at the moment when any concerned State signs, ratifies or accedes to the Agreement, that State may formulate interpretative declarations, provided that such declarations do not have as their aim the nullification or modification of the legal effects of the Agreement's provisions in their application to that State.

Article 19
Entry into force

1. This Agreement shall enter into force on the thirtieth day following the date on which the four coastal States of the Southeast Pacific have deposited their instrument of ratification.
2. For each of the other interested States that ratify or accede to the Agreement, it shall enter into force on the thirtieth day following the date on which the instrument of ratification or accession is deposited.

Article 20
Amendments and revision

1. After one year has passed, counting from the date of the Agreement's entry into force, any State Party may propose amendments, through written communication to the institutional mechanism established in conformity with article 11, or in its absence, to the General Secretariat.

2. Amendment proposals shall then be distributed to each of the States Parties, so they can be examined at a review conference for their decision.
3. Such proposals shall be required to receive the endorsement of at least a majority of the States Parties, including a majority of the coastal States, in order to proceed to convene the review conference.
4. The provisions set forth in article 12 shall apply to the adoption of proposed amendments.
5. Approved amendments dealing with substantive issues shall be subject to ratification, and they shall enter into force on the thirtieth day following the date on which a majority of the States Parties have deposited their instruments of ratification. Other amendments shall enter into force on the thirtieth day following the date of their approval.

Article 21
Withdrawal

1. Any State Party may withdraw from the Agreement, by means of written notification addressed to the depositary, after one year following its entry into force for the said State.
2. Withdrawal shall take effect one year after the date on which notification is received, unless a later date has been specified.
3. Withdrawal shall not release any State from financial and contractual obligations taken on while that State was a party to the Agreement, nor shall it affect any rights, obligations or legal situation of that State arising through the Agreement's execution before the State's withdrawal from it.

Article 22
Final provisions of complementary instruments

Complementary instruments, as appropriate, must contain final provisions that are similar, mutatis mutandis, to those established in this Agreement.

Article 23
Authentic texts

1. The original text of this Agreement, prepared in Spanish, and its translation into English are equally authentic.
2. IN WITNESS WHEREOF, the duly authorized plenipotentiaries of the coastal States subscribe to the present Agreement, at Santiago, Chile, on the fourteenth day of the month of August of the year two thousand.

2. Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 5 September 2000

The Contracting Parties to this Convention,

Determined to ensure the long-term conservation and sustainable use, in particular for human food consumption, of highly migratory fish stocks in the Western and Central Pacific Ocean for present and future generations,

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

Recognizing that, under the 1982 Convention and the Agreement, coastal States and States fishing in the region shall cooperate with a view to ensuring conservation and promoting the objective of optimum utilization of highly migratory fish stocks throughout their range,

Mindful that effective conservation and management measures require the application of the precautionary approach and the best scientific information available,

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

Recognizing the ecological and geographical vulnerability of the small island developing States, territories and possessions in the region, their economic and social dependence on highly migratory fish stocks, and their need for specific assistance, including financial, scientific and technological assistance, to allow them to participate effectively in the conservation, management and sustainable use of the highly migratory fish stocks,

Further recognizing that smaller island developing States have unique needs which require special attention and consideration in the provision of financial, scientific and technological assistance,

Acknowledging that compatible, effective and binding conservation and management measures can be achieved only through cooperation between coastal States and States fishing in the region,

Convinced that effective conservation and management of the highly migratory fish stocks of the Western and Central Pacific Ocean in their entirety may best be achieved through the establishment of a regional Commission,

Have agreed as follows:

PART I
GENERAL PROVISIONS

Article 1
Use of terms

For the purposes of this Convention:

- (a) “1982 Convention” means the United Nations Convention on the Law of the Sea of 10 December 1982;
- (b) “Agreement” means 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;
- (c) “Commission” means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention;
- (d) “fishing” means:
- (i) searching for, catching, taking or harvesting fish;
 - (ii) attempting to search for, catch, take or harvest fish;
 - (iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish for any purpose;
 - (iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
 - (v) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (i) to (iv), including transshipment;
 - (vi) use of any other vessel, vehicle, aircraft or hovercraft, for any activity described in subparagraphs (i) to (v) except for emergencies involving the health and safety of the crew or the safety of a vessel;
- (e) “fishing vessel” means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels and any other vessel directly involved in such fishing operations;
- (f) “highly migratory fish stocks” means all fish stocks of the species listed in Annex I of the 1982 Convention occurring in the Convention Area, and such other species of fish as the Commission may determine;
- (g) “regional economic integration organization” means a regional economic integration organization to which its member States have transferred competence over matters covered by this Convention, including the authority to make decisions binding on its member States in respect of those matters;
- (h) “transshipment” means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

Article 2
Objective

The objective of this Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement.

Article 3

Area of application

1. Subject to article 4, the area of competence of the Commission (hereinafter referred to as “the Convention Area”) comprises all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141° meridian of east longitude to its intersection with the 55° parallel of south latitude; thence due east along the 55° parallel of south latitude to its intersection with the 150° meridian of east longitude; thence due south along the 150° meridian of east longitude to its intersection with the 60° parallel of south latitude; thence due east along the 60° parallel of south latitude to its intersection with the 130° meridian of west longitude; thence due north along the 130° meridian of west longitude to its intersection with the 4° parallel of south latitude; thence due west along the 4° parallel of south latitude to its intersection with the 150° meridian of west longitude; thence due north along the 150° meridian of west longitude.

2. Nothing in this Convention shall constitute recognition of the claims or positions of any of the members of the Commission concerning the legal status and extent of waters and zones claimed by any such members.

3. This Convention applies to all stocks of highly migratory fish within the Convention Area except sauries. Conservation and management measures under this Convention shall be applied throughout the range of the stocks, or to specific areas within the Convention Area, as determined by the Commission.

Article 4

Relationship between this Convention and the 1982 Convention

Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under the 1982 Convention and the Agreement. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the Agreement.

PART II

CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS

Article 5

Principles and measures for conservation and management

In order to conserve and manage highly migratory fish stocks in the Convention Area in their entirety, the members of the Commission shall, in giving effect to their duty to cooperate in accordance with the 1982 Convention, the Agreement and this Convention:

(a) Adopt measures to ensure the long-term sustainability of highly migratory fish stocks in the Convention Area and promote the objective of their optimum utilization;

(b) Ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States in the Convention Area, particularly small island developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;

(c) Apply the precautionary approach in accordance with this Convention and all relevant internationally agreed standards and recommended practices and procedures;

- (d) Assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
- (e) Adopt measures to minimize waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species, both fish and non-fish species (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species, and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;
- (f) Protect biodiversity in the marine environment;
- (g) Take measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;
- (h) Take into account the interests of artisanal and subsistence fishers;
- (i) Collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes; and
- (j) Implement and enforce conservation and management measures through effective monitoring, control and surveillance.

Article 6

Application of the precautionary approach

1. In applying the precautionary approach, the members of the Commission shall:
 - (a) Apply the guidelines set out in Annex II of the Agreement, which shall form an integral part of this Convention, and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;
 - (b) Take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distributions of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions; and
 - (c) Develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans where necessary to ensure the conservation of such species and to protect habitats of special concern.
2. Members of the Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.
3. Members of the Commission shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event they are exceeded, members of the Commission shall, without delay, take the action determined under paragraph 1(a) to restore the stocks.
4. Where the status of target stocks or non-target or associated or dependent species is of concern, members of the Commission shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.

5. For new or exploratory fisheries, members of the Commission shall adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.

6. If a natural phenomenon has a significant adverse impact on the status of highly migratory fish stocks, members of the Commission shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impacts. Members of the Commission shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific information available.

Article 7

Implementation of principles in areas under national jurisdiction

1. The principles and measures for conservation and management enumerated in article 5 shall be applied by coastal States within areas under national jurisdiction in the Convention Area in the exercise of their sovereign rights for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks.

2. The members of the Commission shall give due consideration to the respective capacities of developing coastal States, in particular small island developing States, in the Convention Area to apply the provisions of articles 5 and 6 within areas under national jurisdiction and their need for assistance as provided for in this Convention.

Article 8

Compatibility of conservation and management measures

1. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure the conservation and management of highly migratory fish stocks in their entirety. To this end, the members of the Commission have a duty to cooperate for the purpose of achieving compatible measures in respect of such stocks.

2. In establishing compatible conservation and management measures for highly migratory fish stocks in the Convention Area, the Commission shall:

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

(b) Take into account:

- (i) The conservation and management measures adopted and applied in accordance with article 61 of the 1982 Convention in respect of the same stocks by coastal States within areas under national jurisdiction and ensure that measures established in respect of such stocks for the Convention Area as a whole do not undermine the effectiveness of such measures;
- (ii) Previously agreed measures established and applied in respect of the same stocks for the high seas which form part of the Convention Area by relevant coastal States and States fishing on the high seas in accordance with the 1982 Convention and the Agreement;

(c) Take into account previously agreed measures established and applied in accordance with the 1982 Convention and the Agreement in respect of the same stocks by a subregional or regional fisheries management organization or arrangement;

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

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

3. The coastal State shall ensure that the measures adopted and applied by it to highly migratory fish stocks within areas under its national jurisdiction do not undermine the effectiveness of measures adopted by the Commission under this Convention in respect of the same stocks.

4. Where there are areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission, the Commission shall, in giving effect to this article, pay special attention to ensuring compatibility between conservation and management measures established for such high seas areas and those established in respect of the same stocks in accordance with article 61 of the 1982 Convention by the surrounding coastal States in areas under national jurisdiction.

PART III
COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH
STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

SECTION 1. GENERAL PROVISIONS

Article 9
Establishment of the Commission

1. There is hereby established the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which shall function in accordance with the provisions of this Convention.

2. A fishing entity referred to in the Agreement which has agreed to be bound by the regime established by this Convention in accordance with the provisions of Annex I may participate in the work, including decision-making, of the Commission in accordance with the provisions of this article and Annex I.

3. The Commission shall hold an annual meeting. The Commission shall hold such other meetings as may be necessary to carry out its functions under this Convention.

4. The Commission shall elect a chairman and a vice-chairman from among the Contracting Parties, who shall be of different nationalities. They shall be elected for a period of two years and shall be eligible for re-election. The chairman and vice-chairman shall remain in office until the election of their successors.

5. The principle of cost-effectiveness shall apply to the frequency, duration and scheduling of meetings of the Commission and its subsidiary bodies. The Commission may, where appropriate, enter into contractual arrangements with relevant institutions to provide expert services necessary for the efficient functioning of the Commission and to enable it to carry out effectively its responsibilities under this Convention.

6. The Commission shall have international legal personality and such legal capacity as may be necessary to perform its functions and achieve its objectives. The privileges and immunities which the Commission and its officers shall enjoy in the territory of a Contracting Party shall be determined by agreement between the Commission and the member concerned.

7. The Contracting Parties shall determine the location of the headquarters of the Commission and shall appoint its Executive Director.

8. The Commission shall adopt, and amend as required, by consensus, rules of procedure for the conduct of its meetings, including meetings of its subsidiary bodies, and for the efficient exercise of its functions.

Article 10

Functions of the Commission

1. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction, the functions of the Commission shall be to:

(a) Determine the total allowable catch or total level of fishing effort within the Convention Area for such highly migratory fish stocks as the Commission may decide and adopt such other conservation and management measures and recommendations as may be necessary to ensure the long-term sustainability of such stocks;

(b) Promote cooperation and coordination between members of the Commission to ensure that conservation and management measures for highly migratory fish stocks in areas under national jurisdiction and measures for the same stocks on the high seas are compatible;

(c) Adopt, where necessary, conservation and management measures and recommendations for non-target species and species dependent on or associated with the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

(d) Adopt standards for collection, verification and for the timely exchange and reporting of data on fisheries for highly migratory fish stocks in the Convention Area in accordance with Annex I of the Agreement, which shall form an integral part of this Convention;

(e) Compile and disseminate accurate and complete statistical data to ensure that the best scientific information is available, while maintaining confidentiality, where appropriate;

(f) Obtain and evaluate scientific advice, review the status of stocks, promote the conduct of relevant scientific research and disseminate the results thereof;

(g) Develop, where necessary, criteria for the allocation of the total allowable catch or the total level of fishing effort for highly migratory fish stocks in the Convention Area;

(h) Adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

(i) Establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement, including a vessel monitoring system;

(j) Obtain and evaluate economic and other fisheries-related data and information relevant to the work of the Commission;

(k) Agree on means by which the fishing interests of any new member of the Commission may be accommodated;

- (l) Adopt its rules of procedure and financial regulations and such other internal administrative regulations as may be necessary to carry out its functions;
 - (m) Consider and approve the proposed budget of the Commission;
 - (n) Promote the peaceful settlement of disputes; and
 - (o) Discuss any question or matter within the competence of the Commission and adopt any measures or recommendations necessary for achieving the objective of this Convention.
2. In giving effect to paragraph 1, the Commission may adopt measures relating to, inter alia:
- (a) The quantity of any species or stocks which may be caught;
 - (b) The level of fishing effort;
 - (c) Limitations of fishing capacity, including measures relating to fishing vessel numbers, types and sizes;
 - (d) The areas and periods in which fishing may occur;
 - (e) The size of fish of any species which may be taken;
 - (f) The fishing gear and technology which may be used; and
 - (g) Particular subregions or regions.
3. In developing criteria for allocation of the total allowable catch or the total level of fishing effort, the Commission shall take into account, inter alia:
- (a) The status of the stocks and the existing level of fishing effort in the fishery;
 - (b) The respective interests, past and present fishing patterns and fishing practices of participants in the fishery and the extent of the catch being utilized for domestic consumption;
 - (c) The historic catch in an area;
 - (d) The needs of small island developing States, and territories and possessions, in the Convention Area whose economies, food supplies and livelihoods are overwhelmingly dependent on the exploitation of marine living resources;
 - (e) The respective contributions of participants to conservation and management of the stocks, including the provision by them of accurate data and their contribution to the conduct of scientific research in the Convention Area;
 - (f) The record of compliance by the participants with conservation and management measures;
 - (g) The needs of coastal communities which are dependent mainly on fishing for the stocks;
 - (h) The special circumstances of a State which is surrounded by the exclusive economic zones of other States and has a limited exclusive economic zone of its own;
 - (i) The geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas;

(j) The fishing interests and aspirations of coastal States, particularly small island developing States, and territories and possessions, in whose areas of national jurisdiction the stocks also occur.

4. The Commission may adopt decisions relating to the allocation of the total allowable catch or the total level of fishing effort. Such decisions, including decisions relating to the exclusion of vessel types, shall be taken by consensus.

5. The Commission shall take into account the reports and any recommendations of the Scientific Committee and the Technical and Compliance Committee on matters within their respective areas of competence.

6. The Commission shall promptly notify all members of the measures and recommendations decided upon by the Commission and shall give due publicity to the conservation and management measures adopted by it.

Article 11

Subsidiary bodies of the Commission

1. There are hereby established as subsidiary bodies to the Commission a Scientific Committee and a Technical and Compliance Committee to provide advice and recommendations to the Commission on matters within their respective areas of competence.

2. Each member of the Commission shall be entitled to appoint one representative to each Committee who may be accompanied by other experts and advisers. Such representatives shall have appropriate qualifications or relevant experience in the area of competence of the Committee.

3. Each Committee shall meet as often as is required for the efficient exercise of its functions, provided that each Committee shall, in any event, meet prior to the annual meeting of the Commission and shall report to the annual meeting the results of its deliberations.

4. Each Committee shall make every effort to adopt its reports by consensus. If every effort to achieve consensus has failed, the report shall indicate the majority and minority views and may include the differing views of the representatives of the members on all or any part of the report.

5. In the exercise of their functions, each Committee may, where appropriate, consult any other fisheries management, technical or scientific organization with competence in the subject matter of such consultation and may seek expert advice as required on an ad hoc basis.

6. The Commission may establish such other subsidiary bodies as it deems necessary for the exercise of its functions, including working groups for the purpose of examining technical issues relating to particular species or stocks and reporting thereon to the Commission.

7. The Commission shall establish a committee to make recommendations on the implementation of such conservation and management measures as may be adopted by the Commission for the area north of the 20° parallel of north latitude and on the formulation of such measures in respect of stocks which occur mostly in this area. The committee shall include the members situated in such area and those fishing in the area. Any member of the Commission not represented on the committee may send a representative to participate in the deliberations of the committee as an observer. Any extraordinary cost incurred for the work of the committee shall be borne by the members of the committee. The committee shall adopt recommendations to the Commission by consensus. In adopting measures in relation to particular stocks and species in such area, the decision of the Commission shall be based on any recommendations of the committee. Such recommendations shall be consistent with the general policies and measures adopted by the Commission in respect of the stocks or species in question and with the principles and measures for conservation and management set out in this Convention. If the Commission, in accordance with the rules of procedure for decision-making on matters of substance, does not accept the recommendation of the committee on any matter, it shall return the matter to the committee for further consideration. The committee shall reconsider the matter in the light of the views expressed by the Commission.

SECTION 2. SCIENTIFIC INFORMATION AND ADVICE

Article 12

Functions of the Scientific Committee

1. The Scientific Committee is established to ensure that the Commission obtains for its consideration the best scientific information available.
2. The functions of the Committee shall be to:
 - (a) Recommend to the Commission a research plan, including specific issues and items to be addressed by the scientific experts or by other organizations or individuals, as appropriate, and identify data needs and coordinate activities that meet those needs;
 - (b) Review the assessments, analyses, other work and recommendations prepared for the Commission by the scientific experts prior to the consideration of such recommendations by the Commission and provide information, advice and comments thereon, as necessary;
 - (c) Encourage and promote cooperation in scientific research, taking into account the provisions of article 246 of the 1982 Convention, in order to improve information on highly migratory fish stocks, non-target species, and species belonging to the same ecosystem or associated with or dependent upon such stocks in the Convention Area;
 - (d) Review the results of research and analyses of target stocks or non-target or associated or dependent species in the Convention Area;
 - (e) Report to the Commission its findings or conclusions on the status of target stocks or non-target or associated or dependent species in the Convention Area;
 - (f) In consultation with the Technical and Compliance Committee, recommend to the Commission the priorities and objectives of the regional observer programme and assess the results of that programme;
 - (g) Make reports and recommendations to the Commission as directed, or on its own initiative, on matters concerning the conservation and management of and research on target stocks or non-target or associated or dependent species in the Convention Area; and

- (h) Perform such other functions and tasks as may be requested by or assigned to it by the Commission.
3. The Committee shall exercise its functions in accordance with such guidelines and directives as the Commission may adopt.
 4. The representatives of the Oceanic Fisheries Programme of the Pacific Community and the Inter-American Tropical Tuna Commission, or their successor organizations, shall be invited to participate in the work of the Committee. The Committee may also invite other organizations or individuals with scientific expertise in matters related to the work of the Commission to participate in its meetings.

Article 13
Scientific services

1. The Commission, taking into account any recommendation of the Scientific Committee, may engage the services of scientific experts to provide information and advice on the fishery resources covered by this Convention and related matters that may be relevant to the conservation and management of those resources. The Commission may enter into administrative and financial arrangements to utilize scientific services for this purpose. In this regard, and in order to carry out its functions in a cost-effective manner, the Commission shall, to the greatest extent possible, utilize the services of existing regional organizations and shall consult, as appropriate, with any other fisheries management, technical or scientific organization with expertise in matters related to the work of the Commission.
2. The scientific experts may, as directed by the Commission:
 - (a) Conduct scientific research and analyses in support of the work of the Commission;
 - (b) Develop and recommend to the Commission and the Scientific Committee stock-specific reference points for the species of principal interest to the Commission;
 - (c) Assess the status of stocks against the reference points established by the Commission;
 - (d) Provide the Commission and the Scientific Committee with reports on the results of their scientific work, advice and recommendations in support of the formulation of conservation and management measures and other relevant matters; and
 - (e) Perform such other functions and tasks as may be required.
3. In carrying out their work, the scientific experts may:
 - (a) Undertake the collection, compilation and dissemination of fisheries data according to agreed principles and procedures established by the Commission, including procedures and policies relating to the confidentiality, disclosure and publication of data;
 - (b) Conduct assessments of highly migratory fish stocks, non-target species, and species belonging to the same ecosystem or associated with or dependent upon such stocks, within the Convention Area;
 - (c) Assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or dependent upon or associated with the target stocks;
 - (d) Assess the potential effects of proposed changes in the methods or levels of fishing and of proposed conservation and management measures; and
 - (e) Investigate such other scientific matters as may be referred to them by the Commission.

4. The Commission may make appropriate arrangements for periodic peer review of scientific information and advice provided to the Commission by the scientific experts.
5. The reports and recommendations of the scientific experts shall be provided to the Scientific Committee and to the Commission.

SECTION 3. THE TECHNICAL AND COMPLIANCE COMMITTEE

Article 14

Functions of the Technical and Compliance Committee

1. The functions of the Technical and Compliance Committee shall be to:
 - (a) Provide the Commission with information, technical advice and recommendations relating to the implementation of, and compliance with, conservation and management measures;
 - (b) Monitor and review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary; and
 - (c) Review the implementation of cooperative measures for monitoring, control, surveillance and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary.
2. In carrying out its functions, the Committee shall:
 - (a) Provide a forum for exchange of information concerning the means by which they are applying the conservation and management measures adopted by the Commission on the high seas and complementary measures in waters under national jurisdiction;
 - (b) Receive reports from each member of the Commission relating to measures taken to monitor, investigate and penalize violations of provisions of this Convention and measures adopted pursuant thereto;
 - (c) In consultation with the Scientific Committee, recommend to the Commission the priorities and objectives of the regional observer programme, when established, and assess the results of that programme;
 - (d) Consider and investigate such other matters as may be referred to it by the Commission, including developing and reviewing measures to provide for the verification and validation of fisheries data;
 - (e) Make recommendations to the Commission on technical matters such as fishing vessel and gear markings;
 - (f) In consultation with the Scientific Committee, make recommendations to the Commission on the fishing gear and technology which may be used;
 - (g) Report to the Commission its findings or conclusions on the extent of compliance with conservation and management measures; and
 - (h) Make recommendations to the Commission on matters relating to monitoring, control, surveillance and enforcement.
3. The Committee may establish, with the approval of the Commission, such subsidiary bodies as may be necessary for the performance of its functions.
4. The Committee shall exercise its functions in accordance with such guidelines and directives as the Commission may adopt.

SECTION 4. THE SECRETARIAT

Article 15 The Secretariat

1. The Commission may establish a permanent Secretariat consisting of an Executive Director and such other staff as the Commission may require.
2. The Executive Director shall be appointed for a term of four years and may be reappointed for a further term of four years.
3. The Executive Director shall be the chief administrative officer of the Commission, and shall act in that capacity in all the meetings of the Commission and of any subsidiary body, and shall perform such other administrative functions as are entrusted to the Executive Director by the Commission.
4. The Secretariat functions shall include the following:
 - (a) Receiving and transmitting the Commission's official communications;
 - (b) Facilitating the compilation and dissemination of data necessary to accomplish the objective of this Convention;
 - (c) Preparing administrative and other reports for the Commission and the Scientific and Technical and Compliance Committees;
 - (d) Administering agreed arrangements for monitoring, control and surveillance and the provision of scientific advice;
 - (e) Publishing the decisions and promoting the activities of the Commission and its subsidiary bodies; and
 - (f) Treasury, personnel and other administrative functions.
5. In order to minimize costs to the members of the Commission, the Secretariat to be established under this Convention shall be cost-effective. The setting up and the functioning of the Secretariat shall, where appropriate, take into account the capacity of existing regional institutions to perform certain technical secretariat functions.

Article 16 The staff of the Commission

1. The staff of the Commission shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the functions of the Commission. The staff shall be appointed by the Executive Director.
2. The paramount consideration in the recruitment and employment of the staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on an equitable basis between the members of the Commission with a view to ensuring a broad-based Secretariat.

SECTION 5. FINANCIAL ARRANGEMENTS OF THE COMMISSION

Article 17
Funds of the Commission

1. The funds of the Commission shall include:
 - (a) Assessed contributions in accordance with article 18, paragraph 2;
 - (b) Voluntary contributions;
 - (c) The fund referred to in article 30, paragraph 3; and
 - (d) Any other funds which the Commission may receive.
2. The Commission shall adopt, and amend as required, by consensus, financial regulations for the administration of the Commission and for the exercise of its functions.

Article 18
Budget of the Commission

1. The Executive Director shall draft the proposed budget of the Commission and submit it to the Commission. The proposed budget shall indicate which of the administrative expenses of the Commission are to be financed from the assessed contributions referred to in article 17, paragraph 1 (a), and which such expenses are to be financed from funds received pursuant to article 17, paragraph 1 (b), (c) and (d). The Commission shall adopt the budget by consensus. If the Commission is unable to adopt a decision on the budget, the level of contributions to the administrative budget of the Commission shall be determined in accordance with the budget for the preceding year for the purposes of meeting the administrative expenses of the Commission for the following year until such time as a new budget can be adopted by consensus.
2. The amount of the contribution to the budget shall be determined in accordance with a scheme which the Commission shall adopt, and amend as required, by consensus. In adopting the scheme, due consideration shall be given to each member being assessed an equal basic fee, a fee based upon national wealth, reflecting the state of development of the member concerned and its ability to pay, and a variable fee. The variable fee shall be based, inter alia, on the total catch taken within exclusive economic zones and in areas beyond national jurisdiction in the Convention Area of such species as may be specified by the Commission, provided that a discount factor shall be applied to the catch taken in the exclusive economic zone of a member of the Commission which is a developing State or territory by vessels flying the flag of that member. The scheme adopted by the Commission shall be set out in the financial regulations of the Commission.
3. If a contributor is in arrears in the payment of its financial contributions to the Commission it shall not participate in the taking of decisions by the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. Interest shall be payable on such unpaid contributions at such rate as may be determined by the Commission in its financial regulations. The Commission may, nevertheless, waive such interest payments and permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

Article 19
Annual audit

The records, books and accounts of the Commission, including its annual financial statement, shall be audited annually by an independent auditor appointed by the Commission.

SECTION 6. DECISION-MAKING

Article 20
Decision-making

1. As a general rule, decision-making in the Commission shall be by consensus. For the purposes of this article, "consensus" means the absence of any formal objection made at the time the decision was taken.
2. Except where this Convention expressly provides that a decision shall be made by consensus, if all efforts to reach a decision by consensus have been exhausted, decisions by voting on questions of procedure shall be taken by a majority of those present and voting. Decisions on questions of substance shall be taken by a three-fourths majority of those present and voting provided that such majority includes a three-fourths majority of the members of the South Pacific Forum Fisheries Agency present and voting and a three-fourths majority of non-members of the South Pacific Forum Fisheries Agency present and voting and provided further that in no circumstances shall a proposal be defeated by two or fewer votes in either chamber. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Commission by consensus or by the majority required for decisions on questions of substance.
3. If it appears to the Chairman that all efforts to reach a decision by consensus have been exhausted, the Chairman shall fix a time during that session of the Commission for taking the decision by a vote. At the request of any representative, the Commission may, by a majority of those present and voting, defer the taking of a decision until such time during the same session as the Commission may decide. At that time, the Commission shall take a vote on the deferred question. This rule may be applied only once to any question.
4. Where this Convention expressly provides that a decision on a proposal shall be taken by consensus and the Chairman determines that there would be an objection to such proposal, the Commission may appoint a conciliator for the purpose of reconciling the differences in order to achieve consensus on the matter.
5. Subject to paragraphs 6 and 7, a decision adopted by the Commission shall become binding 60 days after the date of its adoption.
6. A member which has voted against a decision or which was absent during the meeting at which the decision was made may, within 30 days of the adoption of the decision by the Commission, seek a review of the decision by a review panel constituted in accordance with the procedures set out in Annex II to this Convention on the grounds that:
 - (a) The decision is inconsistent with the provisions of this Convention, the Agreement or the 1982 Convention; or
 - (b) The decision unjustifiably discriminates in form or in fact against the member concerned.
7. Pending the findings and recommendations of the review panel and any action required by the Commission, no member of the Commission shall be required to give effect to the decision in question.

8. If the review panel finds that the decision of the Commission need not be modified, amended or revoked, the decision shall become binding 30 days from the date of communication by the Executive Director of the findings and recommendations of the review panel.

9. If the review panel recommends to the Commission that the decision be modified, amended or revoked, the Commission shall, at its next annual meeting, modify or amend its decision in order to conform with the findings and recommendations of the review panel or it may decide to revoke the decision, provided that, if so requested in writing by a majority of the members, a special meeting of the Commission shall be convened within 60 days of the date of communication of the findings and recommendations of the review panel.

SECTION 7. TRANSPARENCY AND COOPERATION WITH OTHER ORGANIZATIONS

Article 21

Transparency

The Commission shall promote transparency in its decision-making processes and other activities. Representatives of intergovernmental organizations and non-governmental organizations concerned with matters relevant to the implementation of this Convention shall be afforded the opportunity to participate in the meetings of the Commission and its subsidiary bodies as observers or otherwise as appropriate. The rules of procedure of the Commission shall provide for such participation. The procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall be given timely access to pertinent information subject to the rules and procedures which the Commission may adopt.

Article 22

Cooperation with other organizations

1. The Commission shall cooperate, as appropriate, with the Food and Agriculture Organization of the United Nations and with other specialized agencies and bodies of the United Nations on matters of mutual interest.

2. The Commission shall make suitable arrangements for consultation, cooperation and collaboration with other relevant intergovernmental organizations, particularly those which have related objectives and which can contribute to the attainment of the objective of this Convention, such as the Commission for the Conservation of Antarctic Marine Living Resources, the Commission for the Conservation of Southern Bluefin Tuna, the Indian Ocean Tuna Commission and the Inter-American Tropical Tuna Commission.

3. Where the Convention Area overlaps with an area under regulation by another fisheries management organization, the Commission shall cooperate with such other organization in order to avoid the duplication of measures in respect of species in that area which are regulated by both organizations.

4. The Commission shall cooperate with the Inter-American Tropical Tuna Commission to ensure that the objective set out in article 2 of this Convention is reached. To that end, the Commission shall initiate consultation with the Inter-American Tropical Tuna Commission with a view to reaching agreement on a consistent set of conservation and management measures, including measures relating to monitoring, control and surveillance, for fish stocks that occur in the Convention Areas of both organizations.

5. The Commission may enter into relationship agreements with the organizations referred to in this article and with other organizations as may be appropriate, such as the Pacific Community and the South Pacific Forum Fisheries Agency, with a view to obtaining the best available scientific and other fisheries-related information to further the attainment of the objective of this Convention and to minimize duplication with respect to their work.

6. Any organization with which the Commission has entered into an arrangement or agreement under paragraphs 1, 2 or 5 may designate representatives to attend meetings of the Commission as observers in accordance with the rules of procedure of the Commission. Procedures shall be established for obtaining the views of such organizations in appropriate cases.

PART IV
OBLIGATIONS OF MEMBERS OF THE COMMISSION

Article 23

Obligations of members of the Commission

1. Each member of the Commission shall promptly implement the provisions of this Convention and any conservation, management and other measures or matters which may be agreed pursuant to this Convention from time to time and shall cooperate in furthering the objective of this Convention.
2. Each member of the Commission shall:
 - (a) Provide annually to the Commission statistical, biological and other data and information in accordance with Annex I of the Agreement and, in addition, such data and information as the Commission may require;
 - (b) Provide to the Commission in the manner and at such intervals as may be required by the Commission, information concerning its fishing activities in the Convention Area, including fishing areas and fishing vessels, in order to facilitate the compilation of reliable catch and effort statistics; and
 - (c) Provide to the Commission at such intervals as may be required information on steps taken to implement the conservation and management measures adopted by the Commission.
3. The members of the Commission shall keep the Commission informed of the measures they have adopted for the conservation and management of highly migratory fish stocks in areas within the Convention Area under their national jurisdiction. The Commission shall circulate periodically such information to all members.
4. Each member of the Commission shall keep the Commission informed of the measures it has adopted for regulating the activities of fishing vessels flying its flag which fish in the Convention Area. The Commission shall circulate periodically such information to all members.
5. Each member of the Commission shall, to the greatest extent possible, take measures to ensure that its nationals, and fishing vessels owned or controlled by its nationals fishing in the Convention Area, comply with the provisions of this Convention. To this end, members of the Commission may enter into agreements with States whose flags such vessels are flying to facilitate such enforcement. Each member of the Commission shall, to the greatest extent possible, at the request of any other member, and when provided with the relevant information, investigate any alleged violation by its nationals, or fishing vessels owned or controlled by its nationals, of the provisions of this Convention or any conservation and management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such request, and a report on the outcome of the investigation shall be provided when the investigation is completed.

PART V
DUTIES OF THE FLAG STATE

Article 24
Flag State duties

1. Each member of the Commission shall take such measures as may be necessary to ensure that:
 - (a) Fishing vessels flying its flag comply with the provisions of this Convention and the conservation and management measures adopted pursuant hereto and that such vessels do not engage in any activity which undermines the effectiveness of such measures; and
 - (b) Fishing vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of any Contracting Party.
2. No member of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing for highly migratory fish stocks in the Convention Area beyond areas of national jurisdiction unless it has been authorized to do so by the appropriate authority or authorities of that member. A member of the Commission shall authorize the use of vessels flying its flag for fishing in the Convention Area beyond areas of national jurisdiction only where it is able to exercise effectively its responsibilities in respect of such vessels under the 1982 Convention, the Agreement and this Convention.
3. It shall be a condition of every authorization issued by a member of the Commission that the fishing vessel in respect of which the authorization is issued:
 - (a) Conducts fishing within areas under the national jurisdiction of other States only where the fishing vessel holds any licence, permit or authorization that may be required by such other State; and
 - (b) Is operated on the high seas in the Convention Area in accordance with the requirements of Annex III, the requirements of which shall also be established as a general obligation of all vessels operating pursuant to this Convention.
4. Each member of the Commission shall, for the purposes of effective implementation of this Convention, maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing in the Convention Area beyond its area of national jurisdiction, and shall ensure that all such fishing vessels are entered in that record.
5. Each member of the Commission shall provide annually to the Commission, in accordance with such procedures as may be agreed by the Commission, the information set out in Annex IV to this Convention with respect to each fishing vessel entered in the record required to be maintained under paragraph 4 and shall promptly notify the Commission of any modifications to such information.
6. Each member of the Commission shall also promptly inform the Commission of:
 - (a) Any additions to the record;
 - (b) Any deletions from the record by reason of:
 - (i) The voluntary relinquishment or non-renewal of the fishing authorization by the fishing vessel owner or operator;
 - (ii) The withdrawal of the fishing authorization issued in respect of the fishing vessel under paragraph 2;
 - (iii) The fact that the fishing vessel concerned is no longer entitled to fly its flag;

- (iv) The scrapping, decommissioning or loss of the fishing vessel concerned; and
- (v) Any other reason, specifying which of the reasons listed above is applicable.

7. The Commission shall maintain its own record, based on the information provided to it pursuant to paragraphs 5 and 6, of fishing vessels referred to in paragraph 4. The Commission shall circulate periodically the information contained in such record to all members of the Commission, and, on request, individually to any member.

8. Each member of the Commission shall require its fishing vessels that fish for highly migratory fish stocks on the high seas in the Convention Area to use near-real-time satellite position-fixing transmitters while in such areas. The standards, specifications and procedures for the use of such transmitters shall be established by the Commission, which shall operate a vessel monitoring system for all vessels that fish for highly migratory fish stocks on the high seas in the Convention Area. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States. The Commission, directly, and simultaneously with the flag State where the flag State so requires, or through such other organization designated by the Commission, shall receive information from the vessel monitoring system in accordance with the procedures adopted by the Commission. The procedures adopted by the Commission shall include appropriate measures to protect the confidentiality of information received through the vessel monitoring system. Any member of the Commission may request that waters under its national jurisdiction be included within the area covered by such vessel monitoring system.

9. Each member of the Commission shall require its fishing vessels that fish in the Convention Area in areas under the national jurisdiction of another member to operate near-real-time satellite position-fixing transmitters in accordance with the standards, specifications and procedures to be determined by the coastal State.

10. The members of the Commission shall cooperate to ensure compatibility between national and high seas vessel monitoring systems.

PART VI COMPLIANCE AND ENFORCEMENT

Article 25 Compliance and enforcement

1. Each member of the Commission shall enforce the provisions of this Convention and any conservation and management measures issued by the Commission.

2. Each member of the Commission shall, at the request of any other member, and when provided with the relevant information, investigate fully any alleged violation by fishing vessels flying its flag of the provisions of this Convention or any conservation and management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such request, and a report on the outcome of the investigation shall be provided when the investigation is completed.

3. Each member of the Commission shall, if satisfied that sufficient evidence is available in respect of an alleged violation by a fishing vessel flying its flag, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned.

4. Each member of the Commission shall ensure that, where it has been established, in accordance with its laws, that a fishing vessel flying its flag has been involved in the commission of a serious violation of the provisions of this Convention or of any conservation and management measures adopted by the Commission, the vessel concerned ceases fishing activities and does not engage in such activities in the Convention Area until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with. Where the vessel concerned has conducted unauthorized fishing within areas under the national jurisdiction of any coastal State Party to this Convention, the flag State shall, in accordance with its laws, ensure that the vessel complies promptly with any sanctions which may be imposed by such coastal State in accordance with its national laws and regulations or shall impose appropriate sanctions in accordance with paragraph 7. For the purposes of this article, a serious violation shall include any of the violations specified in article 21, paragraph 11 (a) to (h), of the Agreement and such other violations as may be determined by the Commission.

5. Each member of the Commission shall, to the extent permitted by its national laws and regulations, establish arrangements for making available to prosecuting authorities of other members evidence relating to alleged violations.

6. Where there are reasonable grounds for believing that a fishing vessel on the high seas has engaged in unauthorized fishing within an area under the national jurisdiction of a member of the Commission, the flag State of that vessel, at the request of the member concerned, shall immediately and fully investigate the matter. The flag State shall cooperate with the member concerned in taking appropriate enforcement action in such cases and may authorize the relevant authorities of such member to board and inspect the vessel on the high seas. This paragraph is without prejudice to article 111 of the 1982 Convention.

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

8. Each member shall transmit to the Commission an annual statement of compliance measures, including imposition of sanctions for any violations, it has taken in accordance with this article.

9. The provisions of this article are without prejudice to:

(a) The rights of any of the members of the Commission in accordance with their national laws and regulations relating to fisheries, including the right to impose appropriate sanctions on the vessel concerned in respect of violations occurring within areas under national jurisdiction in accordance with such national laws and regulations; and

(b) The rights of any of the members of the Commission in relation to any provision relating to compliance and enforcement contained in any relevant bilateral or multilateral fisheries access agreement not inconsistent with the provisions of this Convention, the Agreement or the 1982 Convention.

10. Each member of the Commission, where it has reasonable grounds for believing that a fishing vessel flying the flag of another State has engaged in any activity that undermines the effectiveness of conservation and management measures adopted for the Convention Area, shall draw this to the attention of the flag State concerned and may, as appropriate, draw the matter to the attention of the Commission. To the extent permitted by its national laws and regulations it shall provide the flag State with full supporting evidence and may provide the Commission with a summary of such evidence. The Commission shall not circulate such information until such time as the flag State has had an opportunity to comment, within a reasonable time, on the allegation and evidence submitted, or to object as the case may be.

11. The members of the Commission may take action in accordance with the Agreement and international law, including through procedures adopted by the Commission for this purpose, to deter fishing vessels which have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures adopted by the Commission from fishing in the Convention Area until such time as appropriate action is taken by the flag State.

12. The Commission, when necessary, shall develop procedures which allow for non-discriminatory trade measures to be taken, consistent with the international obligations of the members of the Commission, on any species regulated by the Commission, against any State or entity whose fishing vessels fish in a manner which undermines the effectiveness of the conservation and management measures adopted by the Commission.

Article 26
Boarding and inspection

1. For the purposes of ensuring compliance with conservation and management measures, the Commission shall establish procedures for boarding and inspection of fishing vessels on the high seas in the Convention Area. All vessels used for boarding and inspection of fishing vessels on the high seas in the Convention Area shall be clearly marked and identifiable as being on government service and authorized to undertake high seas boarding and inspection in accordance with this Convention.

2. If, within two years of the entry into force of this Convention, the Commission is not able to agree on such procedures, or on an alternative mechanism which effectively discharges the obligations of the members of the Commission under the Agreement and this Convention to ensure compliance with the conservation and management measures established by the Commission, articles 21 and 22 of the Agreement shall be applied, subject to paragraph 3, as if they were part of this Convention, and boarding and inspection of fishing vessels in the Convention Area, as well as any subsequent enforcement action, shall be conducted in accordance with the procedures set out therein and such additional practical procedures as the Commission may decide are necessary for the implementation of articles 21 and 22 of the Agreement.

3. Each member of the Commission shall ensure that fishing vessels flying its flag accept boarding by duly authorized inspectors in accordance with such procedures. Such duly authorized inspectors shall comply with the procedures for boarding and inspection.

Article 27
Measures taken by a port State

1. A port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the fishing vessels of any State.

2. Whenever a fishing vessel of a member of the Commission voluntarily enters a port or offshore terminal of another member, the port State may, inter alia, inspect documents, fishing gear and catch on board such fishing vessel.

3. Members of the Commission may adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.

4. Nothing in this article affects the exercise by Contracting Parties of their sovereignty over ports in their territory in accordance with international law.

PART VII
REGIONAL OBSERVER PROGRAMME AND REGULATION OF TRANSHIPMENT

Article 28
Regional observer programme

1. The Commission shall develop a regional observer programme to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.
2. The observer programme shall be coordinated by the Secretariat of the Commission, and shall be organized in a flexible manner which takes into account the nature of the fishery and other relevant factors. In this regard, the Commission may enter into contracts for the provision of the regional observer programme.
3. The regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission. The programme should be coordinated, to the maximum extent possible, with other regional, subregional and national observer programmes.
4. Each member of the Commission shall ensure that fishing vessels flying its flag in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the regional observer programme, if required by the Commission.
5. The provisions of paragraph 4 shall apply to vessels fishing exclusively on the high seas in the Convention Area, vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States, and vessels fishing in waters under the jurisdiction of two or more coastal States. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the regional observer programme shall not undertake any of the activities specified in paragraph 6 (e) when the vessel is in waters under the national jurisdiction of its flag State, unless the flag State of the vessel agrees otherwise.
6. The regional observer programme shall operate in accordance with the following guidelines and under the conditions set out in article 3 of Annex III to this Convention:
 - (a) The programme shall provide a sufficient level of coverage to ensure that the Commission receives appropriate data and information on catch levels and related matters within the Convention Area, taking into account the characteristics of the fisheries;
 - (b) Each member of the Commission shall be entitled to have its nationals included in the programme as observers;
 - (c) Observers shall be trained and certified in accordance with uniform procedures to be approved by the Commission;
 - (d) Observers shall not unduly interfere with the lawful operations of the vessel and, in carrying out their functions, they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master for this purpose;
 - (e) The activities of observers shall include collecting catch data and other scientific data, monitoring the implementation of conservation and management measures adopted by the Commission and reporting their findings in accordance with procedures to be developed by the Commission;
 - (f) The programme shall be cost-effective, shall avoid duplication with existing regional, subregional and national observer programmes, and shall, to the extent practicable, seek to minimize disruption to the operations of vessels fishing in the Convention Area;

(g) A reasonable period of notice of the placement of an observer shall be given.

7. The Commission shall develop further procedures and guidelines for the operation of the regional observer programme, including:

(a) To ensure the security of non-aggregated data and other information which the Commission deems to be of a confidential nature;

(b) For the dissemination of data and information collected by observers to the members of the Commission;

(c) For boarding of observers which clearly define the rights and responsibilities of the captain or master of the vessel and the crew when an observer is on board a vessel, as well as the rights and responsibilities of observers in the performance of their duties.

8. The Commission shall determine the manner in which the costs of the observer programme would be defrayed.

Article 29 Transshipment

1. In order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port. A member may designate one or more of its ports as transshipment ports for the purposes of this Convention, and the Commission shall circulate periodically to all members a list of such designated ports.

2. Transshipment at a port or in an area within waters under the national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws.

3. The Commission shall develop procedures to obtain and verify data on the quantity and species transhipped both in port and at sea in the Convention Area and procedures to determine when transshipment covered by this Convention has been completed.

4. Transshipment at sea in the Convention Area beyond areas under national jurisdiction shall take place only in accordance with the terms and conditions set out in article 4 of Annex III to this Convention and any procedures established by the Commission pursuant to paragraph 3 of this article. Such procedures shall take into account the characteristics of the fishery concerned.

5. Notwithstanding paragraph 4 above, and subject to specific exemptions which the Commission adopts in order to reflect existing operations, transshipment at sea by purse-seine vessels operating within the Convention Area shall be prohibited.

PART VIII REQUIREMENTS OF DEVELOPING STATES

Article 30 Recognition of the special requirements of developing States

1. The Commission shall give full recognition to the special requirements of developing States Parties to this Convention, in particular small island developing States, and of territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and the development of fisheries for such stocks.

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

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

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

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

3. The Commission shall establish a fund to facilitate the effective participation of developing States Parties, particularly small island developing States, and, where appropriate, territories and possessions, in the work of the Commission, including its meetings and those of its subsidiary bodies. The financial regulations of the Commission shall include guidelines for the administration of the fund and criteria for eligibility for assistance.

4. Cooperation with developing States, and territories and possessions, for the purposes set out in this article may include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services. Such assistance shall, inter alia, be directed towards:

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

(b) Stock assessment and scientific research; and

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

PART IX PEACEFUL SETTLEMENT OF DISPUTES

Article 31 *Procedures for the settlement of disputes*

The provisions relating to the settlement of disputes set out in Part VIII of the Agreement apply, mutatis mutandis, to any dispute between members of the Commission, whether or not they are also Parties to the Agreement.

PART X
NON-PARTIES TO THIS CONVENTION

Article 32
Non-parties to this Convention

1. Each member of the Commission shall take measures consistent with this Convention, the Agreement and international law to deter the activities of vessels flying the flags of non-parties to this Convention which undermine the effectiveness of conservation and management measures adopted by the Commission.
2. The members of the Commission shall exchange information on the activities of fishing vessels flying the flags of non-parties to this Convention which are engaged in fishing operations in the Convention Area.
3. The Commission shall draw the attention of any State which is not a party to this Convention to any activity undertaken by its nationals or vessels flying its flag which, in the opinion of the Commission, affects the implementation of the objective of this Convention.
4. The members of the Commission shall, individually or jointly, request non-parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of conservation and management measures adopted by the Commission with a view to ensuring that such measures are applied to all fishing activities in the Convention Area. Such cooperating non-parties to this Convention shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with, and their record of compliance with, conservation and management measures in respect of the relevant stocks.
5. Non-parties to this Convention, may, upon request and subject to the concurrence of the members of the Commission and to the rules of procedure relating to the granting of observer status, be invited to attend meetings of the Commission as observers.

PART XI
GOOD FAITH AND ABUSE OF RIGHTS

Article 33
Good faith and abuse of rights

The obligations assumed under this Convention shall be fulfilled in good faith and the rights recognized in this Convention shall be exercised in a manner which would not constitute an abuse of right.

PART XII
FINAL PROVISIONS

Article 34
Signature, ratification, acceptance, approval

1. This Convention shall be open for signature by Australia, Canada, China, Cook Islands, Federated States of Micronesia, Fiji Islands, France, Indonesia, Japan, Republic of Kiribati, Republic of the Marshall Islands, Republic of Nauru, New Zealand, Niue, Republic of Palau, Independent State of Papua New Guinea, Republic of the Philippines, Republic of Korea, Independent State of Samoa, Solomon Islands, Kingdom of Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland in respect of Pitcairn, Henderson, Ducie and Oeno Islands, United States of America and Republic of Vanuatu and shall remain open for signature for twelve months from the fifth day of September 2000.

2. This Convention is subject to ratification, acceptance or approval by the signatories.
3. Instruments of ratification, acceptance or approval shall be deposited with the depositary.
4. Each Contracting Party shall be a member of the Commission established by this Convention.

Article 35

Accession

1. This Convention shall remain open for accession by the States referred to in article 34, paragraph 1, and by any entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e), of the 1982 Convention which is situated in the Convention Area.
2. After the entry into force of this Convention, the Contracting Parties may, by consensus, invite other States and regional economic integration organizations whose nationals and fishing vessels wish to conduct fishing for highly migratory fish stocks in the Convention Area to accede to this Convention.
3. Instruments of accession shall be deposited with the depositary.

Article 36

Entry into force

1. This Convention shall enter into force 30 days after the deposit of instruments of ratification, acceptance, approval or accession by:
 - (a) Three States situated north of the 20° parallel of north latitude; and
 - (b) Seven States situated south of the 20° parallel of north latitude.
2. If, within three years of its adoption, this Convention has not been ratified by three of the States referred to in paragraph 1 (a), this Convention shall enter into force six months after the deposit of the thirteenth instrument of ratification, acceptance, approval or accession or in accordance with paragraph 1, whichever is the earlier.
3. For each State, entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e), of the 1982 Convention which is situated in the Convention Area, or regional economic integration organization which ratifies, formally confirms, accepts or approves the Convention or accedes thereto after the entry into force of this Convention, this Convention shall enter into force on the thirtieth day following the deposit of its instrument of ratification, formal confirmation, acceptance, approval or accession.

Article 37

Reservations and exceptions

No reservations or exceptions may be made to this Convention.

Article 38

Declarations and statements

Article 37 does not preclude a State, entity referred to in article 305, paragraph 1, subparagraphs (c), (d) and (e), of the 1982 Convention which is situated in the Convention Area, or regional economic integration organization, when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State, entity or regional economic integration organization.

Article 39

Relation to other agreements

This Convention shall not alter the rights and obligations of Contracting Parties, and fishing entities referred to in article 9, paragraph 2, which arise from other agreements compatible with this Convention and which do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.

Article 40

Amendment

1. Any member of the Commission may propose amendments to this Convention to be considered by the Commission. Any such proposal shall be made by written communication addressed to the Executive Director at least 60 days before the meeting of the Commission at which it is to be considered. The Executive Director shall promptly circulate such communication to all members of the Commission.
2. Amendments to this Convention shall be considered at the annual meeting of the Commission unless a majority of the members request a special meeting to consider the proposed amendment. A special meeting may be convened on not less than 60 days' notice. Amendments to this Convention shall be adopted by consensus. The text of any amendment adopted by the Commission shall be transmitted promptly by the Executive Director to all members of the Commission.
3. Amendments to this Convention shall enter into force for the Contracting Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by a majority of Contracting Parties. Thereafter, for each Contracting Party ratifying or acceding to an amendment after the deposit of the required number of such instruments, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

Article 41

Annexes

1. The Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention or to one of its Parts includes a reference to the Annexes relating thereto.
2. The Annexes to this Convention may be revised from time to time and any member of the Commission may propose revisions to an Annex. Notwithstanding the provisions of article 40, if a revision to an Annex is adopted by consensus at a meeting of the Commission, it shall be incorporated in this Convention and shall take effect from the date of its adoption or from such other date as may be specified in the revision.

Article 42
Withdrawal

1. A Contracting Party may, by written notification addressed to the depositary, withdraw from this Convention and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the withdrawal. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.
2. Withdrawal from this Convention by a Contracting Party shall not affect the financial obligations of such member incurred prior to its withdrawal becoming effective.
3. Withdrawal from this Convention by a Contracting Party shall not in any way affect the duty of such member to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 43
Participation by territories

1. The Commission and its subsidiary bodies shall be open to participation, with the appropriate authorization of the Contracting Party having responsibility for its international affairs, to each of the following:
 - American Samoa
 - French Polynesia
 - Guam
 - New Caledonia
 - Northern Mariana Islands
 - Tokelau
 - Wallis and Futuna
2. The nature and extent of such participation shall be provided for by the Contracting Parties in separate rules of procedure of the Commission, taking into account international law, the distribution of competence on matters covered by this Convention and the evolution in the capacity of such territory to exercise rights and responsibilities under this Convention.
3. Notwithstanding paragraph 2, all such participants shall be entitled to participate fully in the work of the Commission, including the right to be present and to speak at the meetings of the Commission and its subsidiary bodies. In the performance of its functions, and in taking decisions, the Commission shall take into account the interests of all participants.

Article 44
Depositary

The Government of New Zealand shall be the depositary of this Convention and any amendments or revisions thereto. The depositary shall register this Convention with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

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

DONE at Honolulu this fifth day of September, two thousand, in a single original.

ANNEX I. FISHING ENTITIES

1. After the entry into force of this Convention, any fishing entity whose vessels fish for highly migratory fish stocks in the Convention Area may, by a written instrument delivered to the depositary, agree to be bound by the regime established by this Convention. Such agreement shall become effective thirty days following the delivery of the instrument. Any such fishing entity may withdraw such agreement by written notification addressed to the depositary. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.
2. Such fishing entity shall participate in the work of the Commission, including decision-making, and shall comply with the obligations under this Convention. References thereto by the Commission or members of the Commission include, for the purposes of this Convention, such fishing entity as well as Contracting Parties.
3. If a dispute concerning the interpretation or application of this Convention involving a fishing entity cannot be settled by agreement between the parties to the dispute, the dispute shall, at the request of either party to the dispute, be submitted to final and binding arbitration in accordance with the relevant rules of the Permanent Court of Arbitration.
4. The provisions of this Annex relating to participation by fishing entities are solely for the purposes of this Convention.

ANNEX II. REVIEW PANEL

1. In accordance with article 20, paragraph 6, an application for review of a decision of the Commission shall be submitted within 30 days of the adoption of the decision by written notification to the Executive Director. Such notification shall be accompanied by a statement of the grounds upon which the review is sought. The Executive Director shall circulate copies of the notification and the accompanying statement to all members of the Commission.
2. The review panel shall be constituted as follows:
 - (a) The review panel shall consist of three members appointed in accordance with this Annex from the list of experts in the field of fisheries drawn up and maintained by the Food and Agriculture Organization of the United Nations pursuant to Annex VIII, article 2, of the 1982 Convention or a similar list maintained by the Executive Director;
 - (b) The member of the Commission submitting the application for review (“the applicant”) shall appoint one member, who may or may not be its national. The appointment shall be included in the written notification referred to in paragraph 1;
 - (c) Where more than one member of the Commission is seeking review of the same decision, such members shall, within 20 days of receipt of the first notification submitted, appoint one member of the panel jointly by agreement, irrespective of the grounds upon which review is sought by each applicant. If the members concerned are unable to reach agreement on the appointment, the appointment shall be made in accordance with subparagraph (f), at the request of any such member;
 - (d) The Chairman of the Commission shall, within 20 days of receipt of the notification referred to in paragraph 1 of this Annex, appoint one member;

(e) The other member shall be appointed by agreement between the member or members of the Commission seeking the review and the Chairman of the Commission. They shall appoint the President of the review panel from among those three members. If, within 20 days of receipt of the notification referred to in paragraph 1 of this Annex, the member or members seeking the review and the Chairman of the Commission are unable to reach agreement on the appointment of one or more members of the panel to be appointed by agreement, or on the appointment of the president of the review panel, the remaining appointment or appointments shall be made in accordance with subparagraph (f), at the request of any party. Such request shall be made within 10 days of the expiration of the aforementioned 20-day period;

(f) Unless the parties agree that any appointment under subparagraphs (c), (d) and (e) of this paragraph be made by a person or a third State chosen by the parties, the President of the International Tribunal for the Law of the Sea shall make the necessary appointments;

(g) Any vacancy shall be filled in the manner described for the initial appointment.

3. A hearing shall be convened at a place and on a date to be determined by the panel within 30 days following the constitution of the review panel.

4. The review panel shall determine its own procedures, providing for the expeditious conduct of the hearing and assuring to the applicant or applicants full opportunity to be heard and to present its or their case.

5. The Executive Director shall act on behalf of the Commission and shall provide the review panel with sufficient information to enable it to understand the basis upon which the decision was made.

6. Any member of the Commission may submit a memorandum to the review panel concerning the matter under review and the panel shall allow any such member full opportunity to be heard.

7. Unless the review panel decides otherwise because of the particular circumstances of the case, the expenses of the review panel, including the remuneration of its members, shall be borne as follows:

(a) 70 per cent shall be borne by the applicant or, if there is more than one applicant, divided equally among the applicants; and

(b) 30 per cent shall be borne by the Commission from its annual budget.

8. Any decision of the review panel shall be taken by a majority of its members.

9. If the applicant or, where there is more than one applicant, any one of them, does not appear before the review panel, the panel may continue the proceedings and make its findings and recommendations. Absence of an applicant shall not constitute a bar to the review proceedings.

10. The findings and recommendations of the review panel shall be confined to the subject matter of the application and state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the finding. Any member of the panel may attach a separate or dissenting opinion to the finding. The review panel shall not, however, substitute its decision for that of the Commission. The panel shall communicate its findings and recommendations, including its reasons, to the applicant or applicants and the Executive Director within 30 days of the end of the hearing. The Executive Director shall circulate copies of the review panel's findings and recommendations and reasons therefor to all members of the Commission.

ANNEX III. TERMS AND CONDITIONS FOR FISHING

Article 1
Introductory

The operator of every fishing vessel authorized to be used for fishing in the Convention Area shall comply with the following terms and conditions at all times when the vessel is in the Convention Area. Such terms and conditions shall apply in addition to any terms and conditions which may apply to the vessel in areas under the national jurisdiction of a member of the Commission by reason of a licence issued by such member or pursuant to a bilateral or multilateral fisheries agreement. For the purposes of this Annex, "operator" means any person who is in charge of, directs or controls a fishing vessel, including the owner, master or charterer.

Article 2
Compliance with national laws

The operator of the vessel shall comply with the applicable national laws of each coastal State Party to this Convention in whose jurisdiction it enters and shall be responsible for the compliance by the vessel and its crew with such laws and the vessel shall be operated in accordance with such laws.

Article 3
Obligations of the operator in respect of observers

1. The operator and each member of the crew shall allow and assist any person identified as an observer under the regional observer programme to:
 - (a) Embark at a place and time agreed to;
 - (b) Have full access to and use of all facilities and equipment on board which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh and store fish, and full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing;
 - (c) Remove samples;
 - (d) Disembark at an agreed place and time; and
 - (e) Carry out all duties safely.
2. The operator or any crew member shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observers in the performance of their duties.
3. The operator shall provide the observer, while on board the vessel, at no expense to the observer or the observer's Government, with food, accommodation and medical facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.

Article 4
Regulation of transshipment

1. The operator shall comply with any procedures established by the Commission to verify the quantity and species transshipped, and any additional procedures and measures established by the Commission with respect to transshipment in the Convention Area.
2. The operator shall allow and assist any person authorized by the Commission or by the member of the Commission in whose designated port or area a transshipment takes place to have full access to and use of facilities and equipment which such authorized person may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish, and full access to the vessel's records, including its log and documentation for the purpose of inspection and photocopying. The operator shall also allow and assist any such authorized person to remove samples and gather any other information required to fully monitor the activity. The operator or any member of the crew shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with any such authorized person in the performance of such person's duties. Every effort should be made to ensure that any disruption to fishing operations is minimized during inspections of transshipments.

Article 5
Reporting

The operator shall record and report vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with the standards for collection of such data set out in Annex I to the Agreement.

Article 6
Enforcement

1. The authorization issued by the flag State of the vessel and, if applicable, any licence issued by a coastal State Party to this Convention, or a duly certified copy, facsimile or telex confirmation thereof, shall be carried on board the vessel at all times and produced at the request of an authorized enforcement official of any member of the Commission.
2. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorized and identified officer of a member of the Commission, including to stop, to move to a safe location, and to facilitate safe boarding and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorized officer and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorized officer in the performance of his or her duties.
3. The vessel shall be marked and identified in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels or such alternative standard as may be adopted by the Commission. At all times when the vessel is in the Convention Area, all parts of such markings shall be clear, distinct and uncovered.
4. The operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 khz (HF) or the international safety and calling frequency 156.8 Mhz (channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of the members of the Commission.

5. The operator shall ensure that a recent and up-to-date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

6. At all times when the vessel is navigating through an area under the national jurisdiction of a member of the Commission in which it does not have a licence to fish, and at all times when the vessel is navigating on the high seas in the Convention Area and has not been authorized by its flag State to fish on the high seas, all fishing equipment on board the vessel shall be stowed or secured in such a manner that it is not readily available to be used for fishing.

ANNEX IV. INFORMATION REQUIREMENTS

The following information shall be provided to the Commission in respect of each fishing vessel entered in the record required to be maintained under article 24, paragraph 4, of this Convention:

1. Name of fishing vessel, registration number, previous names (if known), and port of registry;
2. Name and address of owner or owners;
3. Name and nationality of master;
4. Previous flag (if any);
5. International Radio Call Sign;
6. Vessel communication types and numbers (INMARSAT A, B and C numbers and satellite telephone number);
7. Colour photograph of vessel;
8. Where and when built;
9. Type of vessel;
10. Normal crew complement;
11. Type of fishing method or methods;
12. Length;
13. Moulded depth;
14. Beam;
15. Gross register tonnage;
16. Power of main engine or engines;
17. The nature of the authorization to fish granted by the flag State;
18. Carrying capacity, including freezer type, capacity and number and fish hold capacity.

D. Recent judgements

International Tribunal for the Law of the Sea:

Judgement in the the "Monte Confurco" (No. 6) Case (Seychelles v. France) - Application for prompt release¹

The dispute concerns the arrest of the fishing vessel "Monte Confurco", flying the flag of the Seychelles, which was apprehended by the French frigate "Floréal" in the exclusive economic zone of the Kerguelen Islands on 8 November 2000 for alleged illegal fishing and failure to announce its presence in the exclusive economic zone of the Kerguelen Islands. The "Monte Confurco" was escorted by French Naval authorities to Réunion. The district court of Saint-Denis (Réunion) ordered that the vessel could be released upon the posting of a bond of 56.4 million French francs.

At the hearing at the International Tribunal for the Law of the Sea, the Agent for the Seychelles stated that the Master of the ship had entered the exclusive economic zone of the Kerguelen Islands, heading in the direction of Williams Bank. However, since his fax machine was not functioning, the Master was unable to notify the French authorities of the vessel's presence in the exclusive economic zone, in keeping with articles 2 and 4 of French Law No. 66-400 of 18 June 1966, as amended. The Agent disputed the allegation that the "Monte Confurco" was engaged in illegal fishing. He maintained that the fish on board the vessel had been fished in international waters. In addition, the Agent for the Seychelles requested the immediate release of the Master, who was being kept in the Réunion and whose passport had been confiscated, and the release of the vessel upon the deposit of a reasonable bond, arguing that the bond set by the French authorities was not reasonable.

The Agent for France stated that the "Monte Confurco" had been discovered in the exclusive economic zone without having notified its presence and the catch on board, even though the vessel was equipped with radiotelephone and an Inmarsat station. Also, among other things, it was alleged that the vessel had not stopped when ordered to do so.

Furthermore, the Agent for France described the rise in illegal fishing in the area and the means used by vessels in order to avoid detention or punishment. He also emphasized the environmental danger to the stock of toothfish in the waters of the southern Indian Ocean. The expert called upon by France stated that overexploitation of the species could have serious consequences for the stock, especially as it reached maturity late. He also expressed the opinion that it was not possible for the "Monte Confurco" to fish where it claimed to have fished owing to the great depths in the areas concerned. However, on cross-examination by the Agent for the Seychelles, the expert asserted that Spanish fishermen had developed techniques that allowed fishing in waters up to a depth of 2500 metres.

¹ The integral text of the judgement, as well as declarations and separate and dissenting opinions, are available at the United Nations web site: <http://www.un.org/Depts/los>.

In its judgement, the Tribunal found that it had jurisdiction under article 292 of the Convention to entertain the Application made on behalf of Seychelles on 27 November 2000, that the claims of Seychelles that France had failed to comply with article 73, paragraphs 3 and 4, of the Convention were inadmissible and that the Application with respect to the allegation of non-compliance with article 73, paragraph 2, of the Convention was admissible. It further found that that the allegation made by the Applicant was well founded and decided that France should promptly release the “Monte Confurco” and its Master upon the posting of a bond or other security to be determined by the Tribunal. Finally, the Tribunal determined that the bond or other security should consist of: an amount of 9 million French francs (FF 9,000,000) as the monetary equivalent of the 158 tonnes of fish seized by the French authorities and a bond in the amount of 9 million French francs (FF 9,000,000) (i.e., a security of a total of 18 million French francs), that the bond should be in the form of a bank guarantee or, if agreed to by the parties, in any other form, and that the bank guarantee should be invoked only if the monetary equivalent of the security held by France was not sufficient to pay the sums as might be determined by a final judgement or decision of the appropriate domestic forum in France. Judges Mensah, Ndiaye and Vukas appended declarations to the judgement of the Tribunal. Vice-President Nelson appended his separate opinion to the judgement. Judges Anderson, Laing and Jesus appended dissenting opinions.

III. OTHER INFORMATION

Table of claims to maritime jurisdiction

Introductory note

The present table of claims to maritime jurisdiction represents a review of information most recently published in Law of the Sea Bulletin 39 (1998). It is based on national legislation and other relevant information obtained from reliable sources with a view to ensuring the most accurate representation of the current status of claims. Despite extensive research, however, the table may not always reflect the latest developments, especially those which have not been brought to the attention of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the United Nations, the publisher of the Bulletin. To report any new developments or inaccuracies regarding the status of claims, please contact the Division, room DC2-0460, United Nations, New York, NY 10017, or send an email to: doalos@un.org.

Compared to the prior tables, the most significant changes were the addition of information concerning straight baselines, in view of straight baselines' importance for the determination of the outer limits of maritime zones. Furthermore, a different approach has been adopted with respect to the information regarding the continental shelf.

The 1958 Geneva Convention defines the term "continental shelf" as: (a) the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; and (b) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

Under the provisions of article 76 of the 1982 Convention, the continental shelf extends up to the outer edge of the continental margin, or up to 200 nautical miles where the outer edge does not extend up to 200 nautical miles, or up to the line of delimitation.

The table reflects the fact that, under international law,¹ the rights of a coastal State over the shelf do not depend on occupation, effective or notional, or on any express proclamation. However, in a number of cases, this provision leads to discrepancies that seem to exist between claims as reflected in the national legislation of a number of States and the entitlements of States Parties under the United Nations Convention on the Law of the Sea of 10 December 1982 (the 1982 Convention), which, pursuant to its article 311, paragraph 1, prevails, as between States Parties, over the 1958 Geneva Conventions. This is due to the fact that many national claims were originally based on the Convention on the Continental Shelf, which was adopted in Geneva on 29 April 1958 and is reflected in national legislation, and that, subsequently, the States concerned became States Parties to the 1982 Convention and did not change their legislation accordingly.

In this connection, it has to be noted that, under current international law of the sea and all legal aspects considered, the outer limits of the continental shelf would extend, in most cases, up to 200 nautical miles or up to the line of maritime delimitation. Regarding the limits of the continental shelf beyond 200 nautical miles, States Parties to 1982 Convention need to submit information to the Commission on the Limits of the Continental Shelf in order to seek its recommendation. A number of States Parties are in the process of preparing such submissions.

¹ Article 2, paragraph 3, of the 1958 Geneva Convention and article 77, paragraph 3, of the 1982 Convention.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Albania		Yes		12				1958 ¹	N/A ²
Algeria	11/06/1996	Yes		12			32 or 52	1982 ³	DEL ⁴
Angola	05/12/1990	Yes		12	24	200		1982	N/A
Antigua and Barbuda	02/02/1989		Yes	12	24	200		1982	CM/200 ⁵
Argentina	01/12/1995	Yes		12	24	200		1982	CM/200
Australia	05/10/1994	Yes		12	24	200		1982	CM/200
Bahamas	29/07/1983		Yes	12		200		1982	N/A
Bahrain	30/05/1985			12	24			1982	N/A
Bangladesh		Yes		12	18	200			CM ⁶
Barbados	12/10/1993	Yes		12		200		1982	N/A

¹ Convention on the Continental Shelf, Geneva, 29 April 1958.

² No information regarding current legislation is available.

³ United Nations Convention on the Law of the Sea of 10 December 1982.

⁴ Up to delimitation with neighbouring States.

⁵ Outer edge of the continental margin, or to 200 nautical miles where the outer edge does not extend up to that distance.

⁶ Outer edge of the continental margin.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Belgium	13/11/1998			12	24	<input checked="" type="checkbox"/> . ⁷	<input checked="" type="checkbox"/> . ⁸	1982	DEL
Belize	13/08/1983	Yes		12 ⁹		200		1982	N/A
Benin	16/10/1997			200				1982	N/A
Bosnia and Herzegovina	12/01/1994							1982	N/A
Brazil	22/12/1988	Yes		12	24	200		1982	CM/200
Brunei Darussalam	05/11/1996			12		200		1982	N/A
Bulgaria	15/05/1996	Yes		12	24	200		1982	DEL
Cambodia		Yes		12	24	200			200
Cameroon	19/11/1985			12 ¹⁰				1982	CM/200
Canada				12	24	200		1958	CM/200
Cape Verde	10/08/1987		Yes	12	24	200		1982	200 ¹¹

⁷ Defined by coordinates of points.

⁸ Coterminous with the exclusive economic zone.

⁹ Three-mile limit applies from the mouth of Sarstoon River to Ranguana Caye.

¹⁰ See article 45 of Law 96-06 of 18 January 1996 on the revision of the Constitution of 2 June 1972.

¹¹ 200 nautical miles.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Chile	25/08/1997	Yes		12	24	200		1982	N/A
China	07/06/1996	Yes		12	24	200		1982	CM/200
Colombia		Yes		12		200		1958	Limits not specified.
Comoros	21/06/1994		Yes	12		200		1982	N/A
Congo				200					N/A
Cook Islands	15/02/1995			12		200		1982	CM/200
Costa Rica	21/09/1992	Yes		12		200		1982	N/A
Côte d'Ivoire	26/03/1984	Yes		12		200		1982	N/A
Croatia	05/04/1995	Yes		12				1982	DEL
Cuba	15/08/1984	Yes		12		200		1982	N/A
Cyprus	12/12/1988	Yes		12				1982	Depth of exploitability.
Democratic People's Republic of Korea				12	X ¹²	200			N/A
Democratic Republic of the Congo	17/02/1989			12		<input checked="" type="checkbox"/> . ¹³		1982	N/A

¹² 50-nautical mile military zone. Army Command Announcement of 1 August 1977.

¹³ To be determined by delimitation agreements.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Denmark		Yes		12		200	200 ¹⁴	1958	Depth: 200 m or exp. ¹⁵
Djibouti	08/10/1991	Yes		12	24	200		1982	N/A
Dominica	24/10/1991	Yes		12	24	200		1982	N/A
Dominican Republic		Yes		6	24	200			CM/200
Ecuador		Yes		200 ¹⁶					200 ¹⁷
Egypt	26/08/1983	Yes		12	24	<input checked="" type="checkbox"/> ¹⁸		1982	N/A
El Salvador				200					N/A
Equatorial Guinea	21/07/1997	Yes		12		200		1982	N/A
Eritrea				12		<input checked="" type="checkbox"/> ¹⁹			N/A

¹⁴ For Greenland and Faroe Islands.

¹⁵ 200m depth or depth of exploitability.

¹⁶ Only between the continental territorial sea of Ecuador and its insular territorial sea around the Galápagos Islands.

¹⁷ Also 100 nautical miles from isobath 2,500m (Only between the continental territorial sea of Ecuador and its insular territorial sea around the Galápagos Islands).

¹⁸ Limit not specified.

¹⁹ See arbitration Eritrea-Yemen, Award in phase II: Maritime delimitation.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Estonia		Yes		12 ²⁰		<input checked="" type="checkbox"/> ²¹			Defined by coordinates
Fiji	10/12/1982		Yes	12		200		1982	Depth: 200 m or exp.
Finland	21/06/1996	Yes		12 ²²	14 ²³		<input checked="" type="checkbox"/> ²⁴	1982	Depth: 200 m or exp.
France	11/04/1996	Yes		12	24	200 ²⁵		1982	Depth: 200 m or exp.
Gabon	11/03/1998	Yes		12	24	200		1982	N/A
Gambia	22/05/1984			12	18		200	1982	N/A

²⁰ In some parts of the Gulf of Finland, defined by coordinates.

²¹ Defined by coordinates.

²² Extends, with certain exceptions, to 12 nautical miles, unless defined by geographical coordinates. In the Gulf of Finland, the outer limit of the territorial sea shall at no place be closer to the midline than 3 nautical miles, according to the Act amending the Act on the Limits of the Territorial Waters of Finland (981/95).

²³ Two miles beyond the outer limits of the territorial sea.

²⁴ Defined by coordinates.

²⁵ Applies to the North Sea, the English Channel and the Atlantic Ocean from the Franco-Belgian border to the Franco-Spanish border, Saint Pierre and Miquelon, French Guiana, Réunion, New Caledonia, French Polynesia, French Southern and Antarctic Lands, Wallis and Futuna, Tromelin, Glorioso, Juan de Nova, Europa and Bassad da India Islands, Clipperton Island, Mayotte, Guadeloupe and Martinique.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Georgia	21/03/1996							1982	
Germany	14/10/1994	Yes		12		<input checked="" type="checkbox"/> . ²⁶		1982	Depth: 200 m or exp.
Ghana	07/06/1983			12	24	200		1982	200
Greece	21/07/1995			6 ²⁷				1982	Depth: 200 m or exp.
Grenada	25/04/1991	Yes		12		200		1982	N/A
Guatemala	11/02/1997			12		200		1982	Limits not specified.
Guinea	06/09/1985			12		200		1982	N/A
Guinea-Bissau	25/08/1986	Yes		12		200		1982	N/A
Guyana	16/11/1993	Yes		12			200	1982	CM/200
Haiti	31/07/1996	Yes		12	24	200		1982	Depth of exploitability.
Honduras	05/10/1993	Yes		12	24	200		1982	Limits not specified.

²⁶ Defined by coordinates.

²⁷ Ten-mile limit applies for the purpose of regulating civil aviation.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Iceland	21/06/1985	Yes		12		200		1982	CM/200
India	29/06/1995			12	24	200		1982	CM/200
Indonesia	03/02/1986		Yes	12		200		1982	N/A
Iran (Islamic Republic of)		Yes		12	24	<input checked="" type="checkbox"/> ²⁸			Equidistance line, unless determined by agreement.
Iraq	30/07/1985			12				1982	Limits not specified.
Ireland	21/06/1996	Yes		12			200	1982	Defined by coordinates
Israel				12				1958	Depth of exploitability.
Italy	13/01/1995	Yes		12				1982	Depth: 200 m or exp.
Jamaica	21/03/1983		Yes	12	24	200		1982	CM/200
Japan	20/06/1996	Yes		12 ²⁹	24	200		1982	CM/200
Jordan	27/11/1995			3				1982	N/A

²⁸ Equidistance line unless determined by agreement.

²⁹ Three-mile limit applies to the Soya Strait, the Tsugaru Strait, the eastern and western channels of the Tsushima Strait and the Osumi Straits only.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Kenya	02/03/1989	Yes		12		200		1982	N/A
Kiribati		Yes	Yes	12		200			N/A
Kuwait	02/05/1986			12				1982	Defined by coordinates
Latvia		Yes		12		<input checked="" type="checkbox"/> ³⁰		1958	CM/200
Lebanon	05/01/1995			12				1982	N/A
Liberia				200					N/A
Libyan Arab Jamahiriya				12					N/A
Lithuania		Yes		12					N/A
Madagascar		Yes		12	24	200		1958	200 ³¹
Malaysia	14/10/1996			12		200		1982	Depth: 200 m or exp.
Maldives	07/09/2000		Yes	12	24	200		1982	N/A
Malta	20/05/1993	Yes		12	24		25	1982	Depth: 200 m or exp.

³⁰ Limits established by international agreements concluded with the Republic of Estonia, the Republic of Lithuania and the Kingdom of Sweden.

³¹ 200 nautical miles or delimitation agreement or 100 nautical miles from isobath 2,500m.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Marshall Islands	09/08/1991		Yes	12	24	200		1982	N/A
Mauritania	17/07/1996	Yes		12	24	200		1982	CM/200
Mauritius	04/11/1994	Yes		12		200		1982	CM/200
Mexico	18/03/1983	Yes		12	24	200		1982	CM/200
Micronesia (Federated States of)	29/04/1991			12		200		1982	N/A
Monaco	20/03/1996			12				1982	N/A
Morocco		Yes		12	24	200			Depth: 200 m or exp.
Mozambique	13/03/1997	Yes		12	24	200		1982	CM/200
Myanmar	21/05/1996	Yes		12	24	200		1982	CM/200
Namibia	18/04/1983			12	24	200		1982	CM/200
Nauru	23/01/1996	Yes		12	24	200		1982	N/A
Netherlands	28/06/1996	Yes		12		<input checked="" type="checkbox"/> . ³²		1982	Depth: 200 m or exp.
New Zealand	19/07/1996	Yes		12	24	200		1982	CM/200

³² Defined by coordinates of points.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Nicaragua	03/05/2000			200				1982	Natural prolongation (limits not specified).
Nigeria	14/08/1986			12		200		1982	Depth: 200 m or exp.
Niue				12		200 ³³			N/A
Norway	24/06/1996	Yes		4	10	200	200 ³⁴	1982	CM/200
Oman	17/08/1989	Yes		12	24	200		1982	Limits not specified.
Pakistan	26/02/1997	Yes		12	24	200		1982	CM/200
Palau	30/09/1996			3			200	1982	N/A
Panama	01/07/1996			12	24	200		1982	CM/200
Papua New Guinea	14/01/1997		Yes	12 ³⁵			200	1982	Depth: 200 m or exp.

³³ 200 nautical miles or median line.

³⁴ Jan Mayen and Svalbard.

³⁵ Three nautical miles in certain areas.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Peru				200 ³⁶					200
Philippines	08/05/1984		Yes	X ³⁷		200		1982	Depth of exploitability.
Poland	13/11/1998			12		<input checked="" type="checkbox"/> ³⁸		1982	N/A
Portugal	03/11/1997	Yes		12	24	200		1982	Depth of exploitability.
Qatar				12	24	<input checked="" type="checkbox"/> ³⁹			N/A
Republic of Korea	29/01/1996	Yes		12	24	200		1982	N/A
Romania	17/12/1996	Yes		12	24	200		1982	N/A
Russian Federation	12/03/1997	Yes		12	24	200		1982	CM/200
Saint Kitts and Nevis	07/01/1993	Yes		12	24	200		1982	CM/200
Saint Lucia	27/03/1985			12	24	200		1982	CM/200

³⁶ Called “Maritime Dominion” in article 54 of the 1993 Constitution: “...In its maritime dominion, Peru exercises sovereignty and jurisdiction, without prejudice to the freedoms of international communication, in accordance with the law and the treaties ratified by the State...”

³⁷ Rectangle defined by coordinates. Claim extends beyond 12 nautical miles.

³⁸ To be determined by international treaties.

³⁹ To be determined by agreement or up to the equidistant line.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Saint Vincent and the Grenadines	01/10/1993		Yes	12	24	200		1982	N/A
Samoa	14/08/1995	Yes		12		200		1982	N/A
Sao Tome and Principe	03/11/1987		Yes	12		200		1982	N/A
Saudi Arabia	24/04/1996	Yes		12	18			1982	Limits not specified.
Senegal	25/10/1984	Yes		12	24	200		1982	CM/200
Seychelles	16/09/1991	Yes		12	24	200		1982	CM/200
Sierra Leone	12/12/1994			12	24	200		1982	200
Singapore	17/11/1994			3				1982	N/A
Slovenia	16/06/1995							1982	N/A
Solomon Islands	23/06/1997		Yes	12		200		1982	200
Somalia	24/07/1989	Yes		200				1982	N/A
South Africa	23/12/1997	Yes		12	24	200		1982	CM/200
Spain	15/01/1997	Yes		12	24	200 ⁴⁰	<input checked="" type="checkbox"/> ⁴¹	1982	N/A

⁴⁰ In the Atlantic Ocean.

⁴¹ In the Mediterranean Sea.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Sri Lanka	19/07/1994	Yes		12	24	200		1982	CM/200
Sudan	23/01/1985	Yes		12	18			1982	Depth: 200 m or exp.
Suriname	09/07/1998			12		200		1982	N/A
Sweden	25/06/1996	Yes		12		<input checked="" type="checkbox"/> . ⁴²		1982	Depth: 200 m or exp.
Syrian Arab Republic		Yes		35	41				Depth: 200 m or exp.
Thailand		Yes		12	24	200		1958	N/A
Togo	16/04/1985			30		200		1982	N/A
Tonga	02/08/1995	Yes		12		200		1982	N/A
Trinidad and Tobago	25/04/1986		Yes	12	24	200		1982	Depth: 200 m or exp.
Tunisia	24/04/1985	Yes		12	24		<input checked="" type="checkbox"/> . ⁴³	1982	N/A
Turkey				6 ⁴⁴		200 ⁴⁵			N/A

⁴² To be determined by agreement or up to equidistance line.

⁴³ Up to 50-m isobath - Off the Gulf of Gabès.

⁴⁴ Six nautical miles in the Aegean Sea, 12 nautical miles in the Black Sea.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Tuvalu		Yes		12	24	200			N/A
Ukraine	26/07/1999	Yes		12		200		1982	N/A
United Arab Emirates		Yes		12	24	200			CM/200
United Kingdom	25/07/1997	Yes		12 ⁴⁶		200 ⁴⁷	200 or 12 ⁴⁸	1982	Defined by coordinates.
United Republic of Tanzania	30/09/1985			12		200		1982	N/A
United States of America				12	24	200		1958	CM/200
Uruguay	10/12/1992	Yes		12	24	200		1982	CM
Vanuatu	10/08/1999	Yes	Yes	12	24	200		1982	CM/200
Venezuela		Yes		12	15	200		1958	Depth: 200 m or exp.

⁴⁵ In the Black Sea.

⁴⁶ Also three nautical miles. (Three nautical miles in Anguilla, Guernsey, British Indian Ocean Territory, British Virgin Islands, Gibraltar, Monserrat and Pitcairn; 12 nautical miles in United Kingdom, Jersey, Bermuda, Cayman Islands, Falkland Islands, Isle of Man, St. Helena and Dependencies, South Georgia, South Sandwich Islands, and Turks and Caicos Islands.)

⁴⁷ Bermuda, Pitcairn, South Georgia and South Sandwich Islands.

⁴⁸ 12 nautical miles in Guernsey; 200 nautical miles in United Kingdom, Anguilla, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Monserrat, St. Helena and Dependencies, and Turks and Caicos Islands.

STATE	UNCLOS Ratification, Accession	Does the legislation provide for straight baselines?	Does the State claim archipelagic status?	Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Fisheries Zone	Continental Shelf (indicates parties to 1982 Convention or, where the State is not a party to it, parties to 1958 Convention, and their outer limit claims)	
				Breadth of the zone in nautical miles				Party to:	Outer limit
Viet Nam	25/07/1994	Yes		12	24	200		1982	CM/200
Yemen	21/07/1987	Yes		12	24	200		1982	CM/200
Yugoslavia	05/05/1986	Yes		12				1982	DEL

