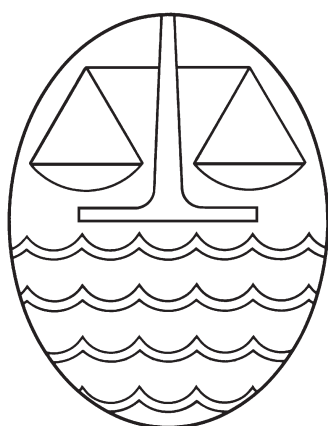


Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs

# *Law of the Sea*



*Bulletin No. 82*



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New York, 2014

## 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.

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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<sup>1</sup>

1. Table recapitulating the status of the Convention and of the related Agreements, as at 31 July 2013

This consolidated table, prepared by the Division for Ocean Affairs and the Law of the Sea, Office of the Legal Affairs, provides unofficial, quick reference information related to the participation in UNCLOS and the two implementing Agreements. For official information on the status of these treaties, please refer to the publication entitled "*Multilateral Treaties deposited with the Secretary-General*" (<http://untreaty.un.org>). The symbol "" indicates (i) that a declaration or statement was made at the time of signature; at the time of ratification/accession or anytime thereafter, or (ii) declarations confirmed upon succession. A double icon () indicates that two declarations were made by the State. The abbreviation (fc) indicates a formal confirmation; (a) an accession; (s) a succession; (ds) a definitive signature; (p) the consent to be bound; (sp) a simplified procedure. Names of States in *italics* indicate non-members of the United Nations; shaded rows indicate landlocked States.

State or entity	UNCLOS (in force as from 16/11/1994)		Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)	
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
<b>TOTALS</b>	157	165	79	144	59	80
Afghanistan	18/03/83					
Albania		23/06/03(a)		23/06/03(p)		
Algeria	10/12/82 <input type="checkbox"/>	11/06/96	29/07/94	11/06/96(p)		
Andorra						
Angola	10/12/82 <input type="checkbox"/>	05/12/90		07/09/2010(p)		
Antigua and Barbuda	07/02/83	02/02/89				
Argentina	05/10/84 <input type="checkbox"/>	01/12/95	29/07/94	01/12/95	04/12/95	
Armenia		09/12/02(a)		09/12/02(a)		
Australia	10/12/82	05/10/94	29/07/94	05/10/94	04/12/95	23/12/99
Austria	10/12/82	14/07/95	29/07/94	14/07/95	27/06/96	19/12/03
Azerbaijan						<input type="checkbox"/>
		Declaration				Declaration

<sup>1</sup> Source: Chapter XXI.6 of the publication entitled "*Multilateral Treaties Deposited with the Secretary-General*" at <http://treaties.un.org/>.

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		Declaration
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	
Bahamas	10/12/82	29/07/83		29/07/94	28/07/95(sp)		16/01/97(a)	
Bahrain	10/12/82	30/05/85						
Bangladesh	10/12/82	27/07/01	<input type="checkbox"/>		27/07/01(a)	04/12/95	05/11/12	
Barbados	10/12/82	12/10/93		15/11/94	28/07/95(sp)		22/09/00(a)	
Belarus	10/12/82	30/08/06	<input type="checkbox"/>		30/08/06(a)			
Belgium	05/12/84	13/11/98	<input type="checkbox"/>	29/07/94	13/11/98(p)	03/10/96	19/12/03	<input type="checkbox"/>
Belize	10/12/82	13/08/83			21/10/94(ds)	04/12/95	14/07/05	
Benin	30/08/83	16/10/97			16/10/97(p)			
Bhutan	10/12/82							
Bolivia (Plurinational State of)	27/11/84	28/04/95			28/04/95(p)			
Bosnia and Herzegovina		12/01/94(s)						
Botswana	05/12/84	02/05/90			31/01/05(a)			
Brazil	10/12/82	22/12/88	<input type="checkbox"/>	29/07/94	25/10/07	04/12/95	08/03/00	
Brunei Darussalam	05/12/84	05/11/96			05/11/96(p)			
Bulgaria	10/12/82	15/05/96			15/05/96(a)		13/12/06(a)	<input type="checkbox"/>
Burkina Faso	10/12/82	25/01/05		30/11/94	25/01/05(p)	15/10/96		
Burundi	10/12/82							
Cambodia	01/07/83							
Cameroon	10/12/82	19/11/85		24/05/95	28/08/02			
Canada	10/12/82	07/11/03	<input type="checkbox"/>	29/07/94	07/11/03	04/12/95	03/08/99	<input type="checkbox"/>
Cape Verde	10/12/82	10/08/87	<input type="checkbox"/>	29/07/94	23/04/08			
Central African Republic	04/12/84							
Chad	10/12/82	14/08/09			14/08/09(p)			
Chile	10/12/82	25/08/97	<input type="checkbox"/>		25/08/97(a)			
China	10/12/82	07/06/96	<input type="checkbox"/>	29/07/94	07/06/96(p)	06/11/96		
Colombia	10/12/82							
Comoros	06/12/84	21/06/94						
Congo	10/12/82	09/07/08			09/07/08(p)			
Cook Islands	10/12/82	15/02/95			15/02/95(a)		01/04/99(a)	

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)	
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
Costa Rica	10/12/82☐	21/09/92			20/09/01(a)		18/06/01(a)
Côte d'Ivoire	10/12/82	26/03/84		25/11/94	28/07/95(sp)	24/01/96	
Croatia		05/04/95(s)	☐☐		05/04/95(p)		
Cuba	10/12/82☐	15/08/84	☐		17/10/02(a)		
Cyprus	10/12/82	12/12/88		01/11/94	27/07/95		25/09/02(a)
Czech Republic	22/02/93	21/06/96	☐	16/11/94	21/06/96		19/03/07(a)
Democratic People's Republic of Korea	10/12/82						
Democratic Republic of the Congo	22/08/83	17/02/89					
Denmark	10/12/82	16/11/04	☐	29/07/94	16/11/04	27/06/96	19/12/03
Djibouti	10/12/82	08/10/91					
Dominica	28/03/83	24/10/91					
Dominican Republic	10/12/82	10/07/09			10/07/09(p)		
Ecuador		24/09/12(a)	☐		24/09/12(p)		
Egypt	10/12/82	26/08/83	☐	22/03/95		05/12/95	
El Salvador	05/12/84						
Equatorial Guinea	30/01/84	21/07/97	☐		21/07/97(p)		
Eritrea							
Estonia		26/08/05(a)	☐		26/08/05(a)		07/08/06(a)
Ethiopia	10/12/82						
European Union	07/12/84☐	01/04/98(fc)	☐	29/07/94	01/04/98(fc)	27/06/96☐	19/12/03
Fiji	10/12/82	10/12/82		29/07/94	28/07/95	04/12/95	12/12/96
Finland	10/12/82☐	21/06/96	☐	29/07/94	21/06/96	27/06/96	19/12/03
France	10/12/82☐	11/04/96	☐	29/07/94	11/04/96	04/12/96☐	19/12/03
Gabon	10/12/82	11/03/98	☐	04/04/95	11/03/98(p)	07/10/96	
Gambia	10/12/82	22/05/84					
Georgia		21/03/96(a)			21/03/96(p)		
Germany		14/10/94(a)	☐	29/07/94	14/10/94	28/08/96	19/12/03
Ghana	10/12/82	7/06/83	☐				
Greece	10/12/82☐	21/07/95	☐	29/07/94	21/07/95	27/06/96	19/12/03

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)	
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy
Grenada	10/12/82	25/04/91		14/11/94	28/07/95(sp)		
Guatemala	08/07/83	11/02/97	<input type="checkbox"/>		11/02/97(p)		
Guinea	04/10/84 <input type="checkbox"/>	06/09/85		26/08/94	28/07/95(sp)		16/09/05(a)
Guinea-Bissau	10/12/82	25/08/86	<input type="checkbox"/>			04/12/95	
Guyana	10/12/82	16/11/93			25/09/08(a)		
Haiti	10/12/82	31/07/96			31/07/96(p)		
<i>Holy See</i>				<input type="checkbox"/>			
Honduras	10/12/82	05/10/93	<input type="checkbox"/>		28/07/03(a)		
Hungary	10/12/82	05/02/02	<input type="checkbox"/>		05/02/02(a)		16/05/08(a)
Iceland	10/12/82	21/06/85	<input type="checkbox"/>	29/07/94	28/07/95(sp)	04/12/95	14/02/97
India	10/12/82	29/06/95	<input type="checkbox"/>	29/07/94	29/06/95		19/08/03(a)
Indonesia	10/12/82	03/02/86		29/07/94	02/06/00	04/12/95	28/09/09
Iran (Islamic Republic of)	10/12/82 <input type="checkbox"/>						17/04/98(a)
Iraq	10/12/82 <input type="checkbox"/>	30/07/85					
Ireland	10/12/82	21/06/96	<input type="checkbox"/>	29/07/94	21/06/96	27/06/96	19/12/03
Israel						04/12/95	
Italy	07/12/84 <input type="checkbox"/>	13/01/95	<input type="checkbox"/>	29/07/94	13/01/95	27/06/96	19/12/03
Jamaica	10/12/82	21/03/83		29/07/94	28/07/95(sp)	04/12/95	
Japan	07/02/83	20/06/96		29/07/94	20/06/96	19/11/96	07/08/06
Jordan		27/11/95(a)			27/11/95(p)		
Kazakhstan							
Kenya	10/12/82	02/03/89			29/07/94(ds)		13/07/04(a)
Kiribati		24/02/03(a)	<input type="checkbox"/>		24/02/03(p)		15/09/05(a)
Kuwait	10/12/82	02/05/86	<input type="checkbox"/>		02/08/02(a)		
Kyrgyzstan							
Lao People's Democratic Republic	10/12/82	05/06/98		27/10/94	05/06/98(p)		
Latvia		23/12/04(a)	<input type="checkbox"/>		23/12/04(a)		05/02/07(a)
Lebanon	07/12/84	05/01/95			05/01/95(p)		
Lesotho	10/12/82	31/05/07			31/05/07(p)		



State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Liberia	10/12/82	25/09/08			25/09/08(p)		16/09/05(a)	
Libya	03/12/84							
Liechtenstein	30/11/84							
Lithuania		12/11/03(a)	<input type="checkbox"/>		12/11/03(a)		01/03/07(a)	<input type="checkbox"/>
Luxembourg	05/12/84 <sup>1</sup>	05/10/00	<input type="checkbox"/>	29/07/94	05/10/00	27/06/96	19/12/03	<input type="checkbox"/>
Madagascar	25/02/83	22/08/01	<input type="checkbox"/>		22/08/01(p)			
Malawi	07/12/84	28/09/10			28/09/10(p)			
Malaysia	10/12/82	14/10/96	<input type="checkbox"/>	02/08/94	14/10/96(p)			
Maldives	10/12/82	07/09/00		10/10/94	07/09/00(p)	08/10/96	30/12/98	
Mali	19/10/83 <sup>1</sup>	16/07/85						
Malta	10/12/82	20/05/93	<input type="checkbox"/>	29/07/94	26/06/96		11/11/01(a)	<input type="checkbox"/>
Marshall Islands		09/08/91(a)				04/12/95	19/03/03	
Mauritania	10/12/82	17/07/96		02/08/94	17/07/96(p)			
Mauritius	10/12/82	04/11/94			04/11/94(p)	21/12/95	25/03/97(a)	<input type="checkbox"/>
Mexico	10/12/82	18/03/83	<input type="checkbox"/>		10/04/03(a)			
Micronesia (Federated States of)		29/04/91(a)		10/08/94	06/09/95	04/12/95	23/05/97	
Monaco	10/12/82	20/03/96		30/11/94	20/03/96(p)		09/06/99(a)	
Mongolia	10/12/82	13/08/96		17/08/94	13/08/96(p)			
Montenegro		23/10/06(d)	<input type="checkbox"/>		23/10/06(d)			
Morocco	10/12/82	31/05/07	<input type="checkbox"/>	19/10/94	31/05/07	04/12/95	19/09/2012	
Mozambique	10/12/82	13/03/97			13/03/97(a)		10/12/08(a)	
Myanmar	10/12/82	21/05/96			21/05/96(a)			
Namibia	10/12/82	18/04/83		29/07/94	28/07/95(sp)	19/04/96	08/04/98	
Nauru	10/12/82	23/01/96			23/01/96(p)		10/01/97(a)	
Nepal	10/12/82	02/11/98			02/11/98(p)			
Netherlands	10/12/82	28/06/96	<input type="checkbox"/>	29/07/94	28/06/96	28/06/96 <sup>1</sup>	19/12/03	<input type="checkbox"/>
New Zealand	10/12/82	19/07/96		29/07/94	19/07/96	04/12/95	18/04/01	
Nicaragua	09/12/84 <sup>1</sup>	03/05/00	<input type="checkbox"/>		03/05/00(p)			
Niger	10/12/82							

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Nigeria	10/12/82	14/08/86		25/10/94	28/07/95(sp)		02/11/09(a)	
<i>Niue</i>	05/12/84	11/10/06			11/10/06(p)		11/10/06	
Norway	10/12/82	24/06/96	<input type="checkbox"/>		24/06/96(a)		30/12/96	<input type="checkbox"/>
Oman	01/07/83 <sup>□</sup>	17/08/89	<input type="checkbox"/>		26/02/97(a)		14/05/08(a)	
Pakistan	10/12/82	26/02/97	<input type="checkbox"/>	10/08/94	26/02/97(p)		15/02/96	
Palau		30/09/96(a)	<input type="checkbox"/>		30/09/96(p)		26/03/08(a)	
Panama	10/12/82	01/07/96	<input type="checkbox"/>		01/07/96(p)		16/12/08(a)	
Papua New Guinea	10/12/82	14/01/97			14/01/97(p)		04/06/99	
Paraguay	10/12/82	26/09/86		29/07/94	10/07/95			
Peru								
Philippines	10/12/82 <sup>□</sup>	08/05/84	<input type="checkbox"/>	15/11/94	23/07/97		30/08/96	
Poland	10/12/82	13/11/98		29/07/94	13/11/98(p)		14/03/06(a)	<input type="checkbox"/>
Portugal	10/12/82	03/11/97	<input type="checkbox"/>	29/07/94	03/11/97		27/06/96	<input type="checkbox"/>
Qatar	27/11/84 <sup>□</sup>	09/12/02			09/12/02(p)			
Republic of Korea	14/03/83	29/01/96	<input type="checkbox"/>	07/11/94	29/01/96		26/11/96	
Republic of Moldova		06/02/07(a)	<input type="checkbox"/>		06/02/07(p)			
Romania	10/12/82 <sup>□</sup>	17/12/96	<input type="checkbox"/>		17/12/96(a)		16/07/07(a)	
Russian Federation	10/12/82 <sup>□</sup>	12/03/97	<input type="checkbox"/>		12/03/97(a)		04/12/95	<input type="checkbox"/>
Rwanda	10/12/82							
Saint Kitts and Nevis	07/12/84	07/01/93						
Saint Lucia	10/12/82	27/03/85					12/12/95	
Saint Vincent and the Grenadines	10/12/82	01/10/93	<input type="checkbox"/>					
Samoa	28/09/84	14/08/95		07/07/95	14/08/95(p)		04/12/95	
San Marino								
Sao Tome and Principe	13/07/83 <sup>□</sup>	03/11/87						
Saudi Arabia	07/12/84	24/04/96	<input type="checkbox"/>		24/04/96(p)			

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Senegal	10/12/82	25/10/84		09/08/94	25/07/95	04/12/95	30/01/97	
Serbia	<sup>2</sup>	12/03/01(s)	<input type="checkbox"/>	12/05/95	28/07/95(sp) <sup>1</sup>			
Seychelles	10/12/82	16/09/91		29/07/94	15/12/94	04/12/96	20/03/98	
Sierra Leone	10/12/82	12/12/94			12/12/94(p)			
Singapore	10/12/82	17/11/94			17/11/94(p)			
Slovakia	28/05/93	08/05/96		14/11/94	08/05/96		06/11/08(a)	<input type="checkbox"/>
Slovenia		16/06/95(s)	<input type="checkbox"/>	19/01/95	16/06/95		15/06/06(a)	<input type="checkbox"/>
Solomon Islands	10/12/82	23/06/97			23/06/97(p)		13/02/97(a)	
Somalia	10/12/82	24/07/89						
South Africa	05/12/84	23/12/97	<input type="checkbox"/>	03/10/94	23/12/97		14/08/03(a)	
South Sudan								
Spain	04/12/84 <sup>1</sup>	15/01/97	<input type="checkbox"/>	29/07/94	15/01/97	03/12/96	19/12/03	<input type="checkbox"/>
Sri Lanka	10/12/82	19/07/94		29/07/94	28/07/95(sp)	09/10/96	24/10/96	
Sudan	10/12/82 <sup>1</sup>	23/01/85		29/07/94				
Suriname	10/12/82	09/07/98			09/07/98(p)			
Swaziland	18/01/84	24/09/12		12/10/94	24/09/12(p)			
Sweden	10/12/82 <sup>1</sup>	25/06/96	<input type="checkbox"/>	29/07/94	25/06/96	27/06/96	19/12/03	<input type="checkbox"/>
Switzerland	17/10/84	01/05/09	<input type="checkbox"/>	26/10/94	01/05/09			
Syrian Arab Republic								
Tajikistan								
Thailand	10/12/82	15/05/11	<input type="checkbox"/>		15/05/11(a)			
The former Yugoslav Republic of Macedonia		19/08/94 (s)			19/08/94(p)			
Timor-Leste		08/01/13(a)	<input type="checkbox"/>		08/01/13(p)			
Togo	10/12/82	16/04/85		03/08/94	28/07/95(sp)			
Tonga		02/08/95(a)			2/08/95(p)	04/12/95	31/07/96	

<sup>2</sup> For further details, see Chapter XXI of the publication entitled "Multilateral Treaties deposited with the Secretary-General" (<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/part1/chapterXXI/chapterXXI.asp>).

State or entity	UNCLOS (in force as from 16/11/1994)			Agreement on Part XI (in force as from 28/07/1996)		UN Fish Stocks Agreement (in force as from 11/12/2001)		
	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Signature dd/mm/yy	Ratification/ accession; dd/mm/yy	Declaration
Trinidad and Tobago	10/12/82	25/04/86	<input type="checkbox"/>	10/10/94	28/07/95(sp)		13/09/06(a)	
Tunisia	10/12/82	24/04/85	<input type="checkbox"/>	15/05/95	24/05/02			
Turkey								
Turkmenistan								
Tuvalu	10/12/82	09/12/02			09/12/02(p)		02/02/09(a)	
Uganda	10/12/82	09/11/90	<input type="checkbox"/>	09/08/94	28/07/95(sp)	10/10/96		
Ukraine	10/12/82	26/07/99	<input type="checkbox"/>	28/02/95	26/07/99	04/12/95	27/02/03	
United Arab Emirates	10/12/82							
United Kingdom		25/07/97(a)	<input type="checkbox"/>	29/07/94	25/07/97	04/12/95	10/12/01 19/12/03 <sup>2</sup>	<input type="checkbox"/>
United Republic of Tanzania	10/12/82	30/09/85	<input type="checkbox"/>	07/10/94	25/06/98			
United States of America				29/07/94		04/12/95	21/08/96	<input type="checkbox"/>
Uruguay	10/12/82	10/12/92	<input type="checkbox"/>	29/07/94	07/08/07	16/01/96	10/09/99	<input type="checkbox"/>
Uzbekistan								
Vanuatu	10/12/82	10/08/99		29/07/94	10/08/99(p)	23/07/96		
Venezuela (Bolivarian Republic of)								
Viet Nam	10/12/82	25/07/94	<input type="checkbox"/>		27/04/06(a)			
Yemen	10/12/82	21/07/87	<input type="checkbox"/>					
Zambia	10/12/82	07/03/83		13/10/94	28/07/95(sp)			
Zimbabwe	10/12/82	24/02/93		28/10/94	28/07/95(sp)			
<b>TOTALS</b>	157	165		79	144	59	80	

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 31 July 2013

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. São Tomé and Príncipe (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 (Plurinational State of) (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 Union (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. Serbia (12 March 2001)
136. Bangladesh (27 July 2001)
137. Madagascar (22 August 2001)
138. Hungary (5 February 2002)
139. Armenia (9 December 2002)
140. Qatar (9 December 2002)
141. Tuvalu (9 December 2002)
142. Kiribati (24 February 2003)
143. Albania (23 June 2003)
144. Canada (7 November 2003)
145. Lithuania (12 November 2003)
146. Denmark (16 November 2004)
147. Latvia (23 December 2004)
148. Burkina Faso (25 January 2005)
149. Estonia (26 August 2005)
150. Belarus (30 August 2006)
151. Niue (11 October 2006)
152. Montenegro (23 October 2006)
153. Republic of Moldova (6 February 2007)
154. Lesotho (31 May 2007)
155. Morocco (31 May 2007)
156. Congo (9 July 2008)
157. Liberia (25 September 2008)
158. Switzerland (1 May 2009)
159. Dominican Republic (10 July 2009)
160. Chad (14 August 2009)
161. Malawi (28 September 2010)
162. Thailand (15 May 2011)
163. Ecuador (24 September 2012)
164. Swaziland (24 September 2012)
165. Timor-Leste (8 January 2013)

## 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 (Plurinational State of) (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. Serbia (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 Union (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)
101. Bangladesh (27 July 2001)
102. Madagascar (22 August 2001)
103. Costa Rica (20 September 2001)

104. Hungary (5 February 2002)
105. Tunisia (24 May 2002)
106. Cameroon (28 August 2002)
107. Kuwait (2 August 2002)
108. Cuba (17 October 2002)
109. Armenia (9 December 2002)
110. Qatar (9 December 2002)
111. Tuvalu (9 December 2002)
112. Kiribati (24 February 2003)
113. Mexico (10 April 2003)
114. Albania (23 June 2003)
115. Honduras (28 July 2003)
116. Canada (7 November 2003)
117. Lithuania (12 November 2003)
118. Denmark (16 November 2004)
119. Latvia (23 December 2004)
120. Botswana (31 January 2005)
121. Burkina Faso (25 January 2005)
122. Estonia (26 August 2005)
123. Viet Nam (27 April 2006)
124. Belarus (30 August 2006)
125. Niue (11 October 2006)
126. Montenegro (23 October 2006)
127. Republic of Moldova (6 February 2007)
128. Lesotho (31 May 2007)
129. Morocco (31 May 2007)
130. Uruguay (7 August 2007)
131. Brazil (25 October 2007)
132. Cape Verde (23 April 2008)
133. Congo (9 July 2008)
134. Liberia (25 September 2008)
135. Guyana (25 September 2008)
136. Switzerland (1 May 2009)
137. Dominican Republic (10 July 2009)
138. Chad (14 August 2009)
139. Angola (7 September 2010)
140. Malawi (28 September 2010)
141. Thailand (15 May 2011)
142. Ecuador (24 September 2012)
143. Swaziland (24 September 2012)
144. Timor-Leste (8 January 2013)



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

1. Tonga (31 July 1996)
2. Saint Lucia (9 August 1996)
3. United States of America (21 August 1996)
4. Sri Lanka (24 October 1996)
5. Samoa (25 October 1996)
6. Fiji (12 December 1996)
7. Norway (30 December 1996)
8. Nauru (10 January 1997)
9. Bahamas (16 January 1997)
10. Senegal (30 January 1997)
11. Solomon Islands (13 February 1997)
12. Iceland (14 February 1997)
13. Mauritius (25 March 1997)
14. Micronesia (Federated States of) (23 May 1997)
15. Russian Federation (4 August 1997)
16. Seychelles (20 March 1998)
17. Namibia (8 April 1998)
18. Iran (Islamic Republic of) (17 April 1998)
19. Maldives (30 December 1998)
20. Cook Islands (1 April 1999)
21. Papua New Guinea (4 June 1999)
22. Monaco (9 June 1999)
23. Canada (3 August 1999)
24. Uruguay (10 September 1999)
25. Australia (23 December 1999)
26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. New Zealand (18 April 2001)
29. Costa Rica (18 June 2001)
30. Malta (11 November 2001)
31. United Kingdom of Great Britain and Northern Ireland (10 December 2001), (19 December 2003)
32. Cyprus (25 September 2002)
33. Ukraine (27 February 2003)
34. Marshall Islands (19 March 2003)
35. South Africa (14 August 2003)
36. India (19 August 2003)
37. European Union (19 December 2003)
38. Austria (19 December 2003)
39. Belgium (19 December 2003)
40. Denmark (19 December 2003)
41. Finland (19 December 2003)
42. France (19 December 2003)
43. Germany (19 December 2003)
44. Greece (19 December 2003)
45. Ireland (19 December 2003)
46. Italy (19 December 2003)
47. Luxembourg (19 December 2003)
48. Netherlands (19 December 2003)
49. Portugal (19 December 2003)
50. Spain (19 December 2003)
51. Sweden (19 December 2003)
52. Kenya (13 July 2004)
53. Belize (14 July 2005)
54. Kiribati (15 September 2005)
55. Guinea (16 September 2005)
56. Liberia (16 September 2005)
57. Poland (14 March 2006)
58. Slovenia (15 June 2006)
59. Estonia (7 August 2006)
60. Japan (7 August 2006)
61. Trinidad and Tobago (13 September 2006)
62. Niue (11 October 2006)
63. Bulgaria (13 December 2006)
64. Latvia (5 February 2007)
65. Lithuania (1 March 2007)
66. Czech Republic (19 March 2007)
67. Romania (16 July 2007)
68. Republic of Korea (1 February 2008)
69. Palau (26 March 2008)
70. Oman (14 May 2008)
71. Hungary (16 May 2008)
72. Slovakia (6 November 2008)
73. Mozambique (10 December 2008)
74. Panama (16 December 2008)
75. Tuvalu (2 February 2009)
76. Indonesia (28 September 2009)
77. Nigeria (2 November 2009)
78. Saint Vincent and the Grenadines (29 October 2010)
79. Morocco (19 September 2012)
80. Bangladesh (5 November 2012)

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

A. National Legislation

1. *Cook Islands*

*Maritime Zones Act 2013-09-26*  
*No. 323<sup>1</sup>*

1. Name
2. Interpretation

PART 1  
TERRITORIAL SEA

3. Territorial sea
4. Baseline of territorial sea
5. Internal waters
6. Internal waters and territorial sea vested in Crown
7. Permanent harbour works

PART 2  
CONTIGUOUS ZONE

8. Contiguous zone

PART 3  
EXCLUSIVE ECONOMIC ZONE

9. Exclusive economic zone

PART 4  
CONTINENTAL SHELF

10. Continental shelf

PART 5  
OFFICIAL CHARTS

11. Official charts

PART 6  
DECLARATION AND LEGAL CHARACTER OF MARITIME ZONES

12. Declaration of maritime zones
13. Legal character of maritime zones
14. Control that may be exercised in contiguous zone
15. Rights in the exclusive economic zone and continental shelf

<sup>1</sup> Transmitted through note verbale dated 17 July 2013 from the Ministry of Foreign Affairs and Immigration of the Government of the Cook Islands addressed to the Secretary-General of the United Nations.  
The Cook Islands Gazette: Published by Authority (122/12, 6 November 2012, 219).

16. Rights of other States in maritime zones

PART 7  
REGULATIONS

17. Regulations

PART 8  
CONSEQUENTIAL AMENDMENTS

18. Consequential amendments

**To make provision with respect to the territorial sea, contiguous zone, exclusive economic zone and the continental shelf of Niue, and related matters.**

**1. Name**

This is the Maritime Zones Act 2013.

**2. Interpretation**

In this Act -

"contiguous zone" means the contiguous zone of Niue described in section 8;

"continental shelf" means the continental shelf of Niue described in section 10;

"exclusive economic zone" means the exclusive economic zone of Niue described in section 9;

"low-water mark" means the line of low water at the lowest astronomical tide;

"Minister" means the Minister responsible for maritime affairs;

"nautical mile" means the international nautical mile of 1,852 metres;

"territorial sea" means the territorial sea of Niue described in section

**PART 1  
TERRITORIAL SEA**

**3. Territorial sea**

The territorial sea comprises those areas of the sea having, as their inner limits, the baseline described in section 4 and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of the baseline.

**4. Baseline of territorial sea**

The baseline from which the breadth of the territorial sea is measured shall be the low-water mark along the coast of Niue, or where there is a coral reef along any part of the coast of Niue, the low-water mark along the outer edge of the coral reef.

**5. Internal waters**

The internal waters comprise any areas of the sea that are on the landward side of the baseline of the territorial sea of Niue.

**6. Internal waters and territorial sea vested in Crown**

The seabed and subsoil of the internal waters and territorial sea are, and are taken always to have been, vested in the Crown.

**7. Permanent harbour works**

For the purposes of this Act, permanent harbour works forming an integral part of a harbour system are taken to form part of the coast of Niue.

**PART 2  
CONTIGUOUS ZONE**

**8. Contiguous zone**

The contiguous zone comprises those areas of the sea that are beyond and adjacent to the territorial sea, having as their outer limits a line measured seaward from the baseline described in section 4, every point of which is distant 24 nautical miles from the nearest point of the baseline.

**PART 3  
EXCLUSIVE ECONOMIC ZONE**

**9. Exclusive Economic Zone**

The exclusive economic zone of Niue comprises those areas of the sea, seabed and subsoil that are beyond and adjacent to the territorial sea having as their outer limits a line measured seaward from the baseline described in section 4, every point of which line is not more than 200 nautical miles from the nearest point of the baseline.

**PART 4  
CONTINENTAL SHELF**

**10. Continental shelf**

The continental shelf comprises those areas of the seabed and subsoil of the submarine areas beyond and adjacent to the territorial sea having as their outer limits a line measured seaward from the baseline described in section 4, every point of which line is not more than 200 nautical miles from the nearest point of the baseline.

**PART 5  
OFFICIAL CHARTS**

**11. Official charts**

- (1) The Cabinet may endorse such charts as it considers fit showing any matter relating to the baseline of the territorial sea or the limits of the territorial sea, contiguous zone, exclusive economic zone or continental shelf.
- (2) In any proceedings in a court, a certificate signed by the relevant Minister stating that a specified chart is a chart endorsed under this section is admissible as evidence of the matters stated in the certificate.

**PART 6  
DECLARATION AND LEGAL CHARACTER OF MARITIME ZONES**

**12. Declaration of maritime zones**

The Cabinet may, from time to time, by Public Notice, declare, not inconsistently with sections 3, 8, 9, and 10, the geographic coordinates of the limits of the whole, or any part, of the territorial sea, contiguous zone, exclusive economic zone and continental shelf.

**13. Legal character of maritime zones**

The sovereignty of Niue extends to its land areas, internal waters, and territorial sea, and to the airspace over them and the seabed and subsoil under them, and the resources contained in them.

**14. Control that may be exercised in the contiguous zone**

Within the contiguous zone, an authorized officer of the Government of Niue may exercise the control necessary to:

- (a) Prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within Niue or the territorial sea; or
- (b) Punish infringement of its customs, fiscal, immigration or sanitary laws and regulations committed within Niue or the territorial sea; and all relevant laws of Niue extend to the contiguous zone accordingly.

**15. Rights in the exclusive economic zone and continental shelf**

- (1) Within the exclusive economic zone, Niue has sovereign rights -

- (a) for the purposes of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of -
    - (i) the seabed;
    - (ii) the subsoil under the seabed, and
    - (iii) the waters over the seabed, and
  - (b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.
- (2) Within the continental shelf, Niue has -
- (a) sovereign rights for the purpose of exploring it and exploiting its natural resources, and
  - (b) exclusive rights to authorise and regulate drilling on it for all purposes.
- (3) Within the exclusive economic zone and the continental shelf, Niue has the exclusive right to construct, authorise and regulate the construction, operation and use of:
- (a) artificial islands;
  - (b) installations and structures for the purposes provided in section 7, marine scientific research, the protection and preservation of the marine environment and other economic purposes, and
  - (c) installations and structures which may interfere with Niue's exercise of its rights in the exclusive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, Niue has exclusive jurisdiction over the artificial islands, installations and structures-referred to in subsection (3), including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.
- (5) Within the exclusive economic zone and continental shelf, Niue:
- (a) has jurisdiction with respect to protection and preservation of the marine environment, and
  - (b) has the right to regulate, authorise and conduct marine scientific research.
- (6) Within the contiguous zone, the exclusive economic zone and the continental shelf, Niue has such other rights as are conferred or recognised by international law.

#### **16. Rights of other States in maritime zones**

- (1) The Minister may, by order, prescribe sea lanes and traffic separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.
- (2) Subject to subsection (1), ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea of Niue.
- (3) Subject to this Act, any other law of Niue, and international law, all States shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms.
- (4) Subject to this Act and any other law of Niue, all States may lay submarine cables & pipelines on the continental shelf in accordance with international law.

### **PART 7 REGULATIONS**

#### **17. Regulations**

Cabinet may make all such regulations as may in the opinion of Cabinet be necessary or expedient for giving effect to this Act and for its due administration.

**PART 8  
CONSEQUENTIAL AMENDMENTS**

18. **The following legislation is amended at the commencement of this Act:**

**a) Continental Shelf Act 1964**

Section 2 - Interpretation

Repeal the definition of "continental shelf and insert:

"continental shelf" has the same meaning as in the *Maritime Zones Act 2013*.'

"Repeal Section 3."

**b) Domestic Fishing Act 1995**

Section 2 - Interpretation

Insert "'exclusive economic zone" has the same meaning as in the *Maritime Zones Act 2013*.'

Delete "territorial seas" in the definition of "fishery waters" and substitute "internal waters", territorial sea, exclusive economic zone and continental shelf as defined in the *Maritime Zones Act 2013*.'

Section 13(1) - Sunday fishing prohibited

Omit "fishery waters" (territorial zone)" and substitute "internal waters" or "territorial sea".

**c) Interpretation Act 2004**

Section 5 - Definitions

Insert

"contiguous zone" has the same meaning as in the *Maritime Zones Act 2013*.'

"continental shelf" has the same meaning as in the *Maritime Zones Act 2013*.'

"exclusive economic zone" has the same meaning as in the *Maritime Zones Act 2013*.'

"internal waters" has the same meaning as in the *Maritime Zones Act 2013*.'

Repeal the definition of "territorial sea" and insert "territorial sea" has the same meaning as in the *Maritime Zones Act 2013*.'

**"d) Mining Act 1977**

Repeal Section 3."

**e) Niue Consumption Tax Act 2009**

Section 5 (4) - Zero-rated supplies

Delete the definition of "fishery waters" and substitute "fishery waters" means the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf as defined in the *Maritime Zones Act 2013*.'

**f) Territorial Sea and Exclusive Economic Zone Act 1996**

Section 2 - Interpretation

Delete the definition of "fishery waters" and substitute "fishery waters" means the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf as defined in the *Maritime Zones Act 2013*.'

Repeal sections 4 to 10.

Section 39(2)(c) omit "fisheries" substitute "fishery".

**g) Whale Sanctuary Regulations 2003**

Regulation 3(2) - Niue Whale Sanctuary

Omit "Territorial Sea and Exclusive Economic Zone Act 1997" substitute "*Maritime Zones Act 2013*."

**I, AHOHIVA LEVI**, Speaker of the Niue Assembly, hereby certify that the requirements of Article 34 of the Niue Constitution have been duly complied with.

**SIGNED AND SEALED** at the Assembly Chambers this 10<sup>th</sup> day of 2013.  
Speaker of the Niue Assembly

**COUNTERSIGNED** in the presence of the Speaker  
Clerk of the Niue Assembly

2. *France*

*Decree No. 2012-1068 of 18 September 2012 drawing the baselines from which the breadth of the French territorial sea adjacent to French Polynesia is measured*<sup>2</sup>

NOR: OMEO1222431D

Consolidated version, 6 December 2012

The Prime Minister,

Pursuant to the report of the Minister for Foreign Affairs, the Minister of Defence, the Minister of the Interior, the Minister of Ecology, Sustainable Development and Energy and the Minister for Overseas Territories,

Considering the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982,

Considering Act No. 71-1060 of 24 December 1971 on the delimitation of French territorial waters,

Considering Organization Act no. 2004-192 of 27 February 2004 granting autonomy to French Polynesia,

Considering the 19 March 2012 opinion of the Government of French Polynesia,

Decrees as follows:

**Article 1**

The baselines from which the breadth of the territorial sea adjacent to the islands and islets of French Polynesia is measured are drawn from the basepoints and lines indicated in the tables contained in articles 2, 4, 6, 8 and 10.

In these tables, all coordinates are expressed in the World Geodetic System 1984 (WGS84).

These tables contain the following information:

- First column: Name of the island
- Second column: Description of the point
- Third column: Name of the point, where applicable
- Fourth column: South latitude
- Fifth column: West longitude
- Sixth column: Type of line joining the basepoint to the following basepoint; this line may be either a rhumb line (straight baseline or closing line of a bay) or a low-water line as indicated on the current large-scale maritime charts published by the Maritime Hydrographic and Oceanographic Service (SHOM).

<sup>2</sup> Original: French. Transmitted by note verbale dated 21 May 2013 from the Permanent Mission of France to the United Nations addressed to the Secretariat of the United Nations.  
Deposited with the Secretary-General under article 16(2) of the Convention (see Maritime Zone Notification M.Z.N.95.2013.LOS of 12 June 2013).



**Article 2**

The baselines from which the breadth of the territorial sea adjacent to the Austral Islands, except for the islands and islets mentioned in article 3, is measured are drawn from the following basepoints and lines:

Island	Point	Name	Latitude	Longitude	Type of line
Raivavae	RV01	Passe Mahanatoa Ouest	23°50' 51" S	147°40' 55" W	Rhumb line
Raivavae	RV02	Passe Mahanatoa Est	23°50' 11" S	147°39' 37" W	Low-water line
Raivavae	RV03	Passe Teruapupuhi Ouest	23°50' 14" S	147°37' 43" W	Rhumb line
Raivavae	RV04	Passe Teruapupuhi Est	23°50' 9" S	147°37' 25" W	Low-water line
Raivavae	RV05	Passe Teaoa Est	23°54' 15" S	147°38' 24" W	Rhumb line
Raivavae	RV06	Passe Teaoa Ouest	23°54' 23" S	147°39' 43" W	Low-water line
Rapa	RP01	Pointe Auroa Ouest	27°33' 58" S	144°20' 29" W	Low-water line
Rapa	RP02	Pointe Auroa Est	27°33' 58" S	144°20' 26" W	Rhumb line
Rapa	RP03	Pointe Komire	27°34' 9" S	144°19' 46" W	Rhumb line
Rapa	RP04	Pointe Tematapu Nord	27°34' 32" S	144°19' 5" W	Low-water line
Rapa	RP05	Pointe Tematapu Sud	27°34' 36" S	144°18' 58" W	Rhumb line
Rapa	RP06	Pointe Autea	27°35' 8" S	144°18' 26" W	Rhumb line
Rapa	RP07	Ile Tarakoi Pointe Est	27°35' 29" S	144°18' 17" W	Rhumb line
Rapa	RP08	Ile Tauna	27°36' 26" S	144° 18' 13" W	Rhumb line
Rapa	RP09	Ile Rapa Iti Nord	27°37' 14" S	144° 18' 5" W	Rhumb line
Rapa	RP10	Ile Rapa Iti Sud	27°37' 23" S	144°18' 7" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Rapa	RP11	Ile Tauturou Est	27°38' 43" S	144°18' 18" W	Low-water line
Rapa	RP12	Ile Tauturou Sud-Est	27°38' 48" S	144° 18' 43" W	Rhumb line
Rapa	RP13	Ile Tapiko	27°38' 41" S	144°18' 59" W	Rhumb line
Rapa	RP14	Ile Karapoo Iti Sud-Est	27°39' 8" S	144°19' 36" W	Low-water line
Rapa	RP15	Ile Karapoo Iti Sud-Ouest	27°39' 8" S	144°19' 38" W	Rhumb line
Rapa	RP16	Ile Karapoo Rahi Sud	27°39' 5" S	144°19' 51" W	Low-water line
Rapa	RP17	Ile Karapoo Rahi Ouest	27°39' 0" S	144°19' 57" W	Rhumb line
Rapa	RP18	Pointe Teakateke	27°38' 31" S	144°20' 32" W	Rhumb line
Rapa	RP19	Ile Teivitaora Sud	27°37' 50" S	144°22' 9" W	Low-water line
Rapa	RP20	Ile Teivitaora Nord	27°37'48" S	144°22' 11" W	Rhumb line
Rapa	RP21	Pointe Makauae	27° 37' 10" S	144°22' 37" W	Low-water line
Rapa	RP22		27°36' 35" S	144°22' 55" W	Rhumb line
Rapa	RP23	Ilot	27°36' 31" S	144°22' 55" W	Rhumb line
Rapa	RP24	Pointe Kouturoa	27°35' 57" S	144°22' 53" W	Rhumb line
Rapa	RP25	Pointe Ruea	27°34' 47" S	144°22' 49" W	Rhumb line
Rapa	RP26	Pointe Komire Ouest	27°34' 38" S	144°22' 44" W	Low-water line
Rapa	RP27	Pointe Komire Est	27°34' 37" S	144°22' 44" W	Rhumb line
Rapa	RP28	Pointe Rukuaga Ouest	27°34' 9" S	144°21' 52" W	Low-water line

Island	Point	Name	Latitude	Longitude	Type of line
Rapa	RP29	Pointe Rukuaga Est	27°34' 8" S	144°21' 49" W	Rhumb line
Rapa	RP30	Pointe Kauira	27°34' 7" S	144°20' 56" W	Rhumb line
Tubuai	TU01		23° 19' 28" S	149°27' 45" W	Rhumb line
Tubuai	TU02		23°19' 28" S	149°27' 43" W	Low-water line
Tubuai	TU03		23°25' 37" S	149°30' 31" W	Rhumb line
Tubuai	TU04		23°25' 39" S	149°30' 45" W	Low-water line
Tubuai	TU05		23°25' 23" S	149°30' 56" W	Rhumb line
Tubuai	TU06		23°25' 11" S	149°30' 61" W	Low-water line
Tubuai	TU07	Passe Te Ara Moana Ouest	23°20' 40" S	149°30' 45" W	Rhumb line
Tubuai	TU08	Passe Te Ara Moana Est	23°20' 12" S	149°30' 5" W	Low-water line
Tubuai	TU09	Passe Rotea Ouest	23°20' 2" S	149°29' 42" W	Rhumb line
Tubuai	TU10	Passe Rotea Est	23° 19' 56" S	149°29' 22" W	Low-water line

### Article 3

The low-water line of the Maria, Morotiri, Rimatara and Rurutu islands and islets is the baseline from which the breadth of the territorial sea adjacent to the Austral Islands is measured.

### Article 4

The baselines from which the breadth of the territorial sea adjacent to the Gambier Islands, except for the island mentioned in article 5, is measured are drawn from the following basepoints and lines:

Island	Point	Name	Latitude	Longitude	Type of line
Akamaru Aukena Mangareva Taravai	GA01	Passe de l'Ouest Sud	23°10' 27" S	135°07' 12" W	Rhumb line
Akamaru Aukena Mangareva Taravai	GA02	Passe de l'Ouest Nord	23°04' 35" S	135°00' 56" W	Low-water line

Akamaru Aukena Mangareva Taravai	GA03		23°10' 21" S	134°50' 56" W	Rhumb line
Akamaru Aukena Mangareva Taravai	GA04		23°11' 44" S	134°50' 45" W	Low-water line
Akamaru Aukena Mangareva Taravai	GA05		23°11' 58" S	134°50' 51" W	Rhumb line
Akamaru Aukena Mangareva Taravai	GA06		23° 12' 9" S	134°51' 4"	Low-water line
Akamaru Aukena Mangareva Taravai	GA07		23° 12' 58" S	134°51' 58" W	Rhumb line
Akamaru Aukena Mangareva Taravai	GA08	Ile Kamaka Sud-Est	23°14' 51" S	134°57' 32" W	Low-water line
Akamaru Aukena Mangareva Taravai	GA09	Ile Kamaka Sud-Ouest	23° 14' 50" S	134°57' 37" W	Rhumb line
Akamaru Aukena Mangareva Taravai	GA10	Banc de Tokorua	23° 11' 12" S	135°05' 23" W	Low-water line
Akamaru Aukena Mangareva Taravai	GA11	Banc de Tokorua	23°11' 10" S	135°05'41" W	Rhumb line
Akamaru Aukena Mangareva Taravai	GA12	Banc de Tokorua	23° 11' 8" S	135°06' 12" W	Low-water line
Akamaru Aukena Mangareva Taravai	GA13	Banc de Tokorua	23°11'5"S	135°06' 21" W	Rhumb line
Akamaru Aukena Mangareva Taravai	GA14	Banc de Tokorua	23° 10' 45" S	135°06' 59" W	Low-water line

#### Article 5

The low-water line of Temoe Island is the baseline from which the breadth of the territorial sea adjacent to the Gambier Islands is measured.

**Article 6**

The baselines from which the breadth of the territorial sea adjacent to the Marquesas Islands, except for the islands and islets mentioned in article 7, is measured are drawn from the following basepoints and lines:

Island	Point	Name	Latitude	Longitude	Type of line
Eiao	EI01	Baie Avaeno Ouest	7°7' 15" S	140°39' 39" W	Rhumb line
Eiao	EI02	Baie Avaneo Est	7°7' 13" S	140°39' 11" W	Low-water line
Eiao	EI03	Baie Kaavaione Ouest	7°7' 17" S	140°38' 55" W	Rhumb line
Eiao	EI04	Baie Kaavaione Est	7°7' 37" S	140°38' 19" W	Low-water line
Eiao	EI05		7°7' 43" S	140°38' 12" W	Rhumb line
Eiao	EI06		7°8' 3" S	140°38' 6" W	Rhumb line
Eiao	EI07		7°9' 18" S	140°38' 53" W	Low-water line
Eiao	EI08		7°9' 20" S	140°38' 56" W	Rhumb line
Eiao	EI09	Motutapu	8°0' 19" S	140°41' 6" W	Rhumb line
Eiao	EI10		8°2' 44" S	140°41' 42" W	Low-water line
Eiao	EI11	Baie Motuhiva Est	8°2' 56" S	140°41' 53" W	Rhumb line
Eiao	EI12	Baie Motuhiva Ouest	8°2' 53" S	140°42' 24" W	Rhumb line
Eiao	EI13		8°2' 46" S	140°42' 46" W	Low-water line
Eiao	EI14		8°2' 45" S	140°42' 48" W	Rhumb line
Eiao	EI15		8°2' 27" S	140°43' 4" W	Low-water line
Eiao	EI16		8°2' 24" S	140°43' 6" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Eiao	EI17		8°1' 51" S	140°43' 20" W	Low-water line
Eiao	EI18		8°1'48" S	140°43' 20" W	Rhumb line
Eiao	EI19		8°1' 4" S	140°43' 27" W	Low-water line
Eiao	EI20		8°1' 1" S	140°43' 27" W	Rhumb line
Eiao	EI21		7°9' 53" S	140°43' 7" W	Rhumb line
Eiao	EI22	Baie de Vaituha Sud- Ouest	7°9' 34" S	140°43' 5" W	Rhumb line
Eiao	EI23	Baie de Vaituha Sud- Ouest	7°9' 31" S	140°43' 4" W	Rhumb line
Eiao	EI24	Baie de Vaituha Nord- Est	7°8' 46" S	140°42' 36" W	Rhumb line
Eiao	EI25		7°8' 15" S	140°42' 15" W	Low-water line
Eiao	EI26		7°8' 13" S	140°42' 12" W	Rhumb line
Eiao	EI27		7°8' 11" S	140°41' 55" W	Rhumb line
Eiao	EI28	Baie de Charner Est	7°7' 16" S	140°39' 45" W	Low-water line
Fatu Hiva	FH01		10°25' 9" S	138°40' 32" W	Rhumb line
Fatu Hiva	FH02	Cap Tevai	10°25' 11" S	138°39' 50" W	Rhumb line
Fatu Hiva	FH03	Pointe Teuamano	10°25' 14" S	138°39' 34" W	Low-water line
Fatu Hiva	FH04	Anse Hanapano Ouest	10°25' 19" S	138°39' 26" W	Rhumb line
Fatu Hiva	FH05		10°25' 33" S	138°38' 59" W	Rhumb line
Fatu Hiva	FH06	Pointe Matena	10°25' 58" S	138°38' 26" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Fatu Hiva	FH07	Pointe Mahea	10°26' 48" S	138°37' 20" W	Rhumb line
Fatu Hiva	FH08	Rocher Toatea	10°27' 28" S	138°36' 44" W	Rhumb line
Fatu Hiva	FH09	Motutui	10°27' 53" S	138°36' 30" W	Rhumb line
Fatu Hiva	FH10	Pointe Teie	10°28' 52" S	138°36' 35" W	Rhumb line
Fatu Hiva	FH11	Cap Matakoo Nord	10°29' 22" S	138°36' 37" W	Low-water line
Fatu Hiva	FH12	Cap Matakoo Sud	10°29' 26" S	138°36' 37" W	Rhumb line
Fatu Hiva	FH13	Matapua	10°30' 20" S	138°36' 45" W	Rhumb line
Fatu Hiva	FH14	Ilot Pahi	10°30' 56" S	138° 37' 2" W	Rhumb line
Fatu Hiva	FH15	Mopii	10°32' 19" S	138°37' 51" W	Rhumb line
Fatu Hiva	FH16	Motuoikao	10°32' 53" S	138°38' 42" W	Rhumb line
Fatu Hiva	FH17	Cap Teae Est	10°33' 8" S	138°39' 20" W	Low-water line
Fatu Hiva	FH18	Cap Teae Ouest	10°33' 12" S	138°39' 28" W	Rhumb line
Fatu Hiva	FH19	Pointe Mahitoa	10°32' 6" S	138°40' 55" W	Low-water line
Fatu Hiva	FH20	Moturoio	10°31' 10" S	138°41' 33" W	Rhumb line
Fatu Hiva	FH21	Pointe Matahumu	10°30' 36" S	138°41' 26" W	Rhumb line
Fatu Hiva	FH22	Pointe Matautu	10°28' 19" S	138°40' 43" W	Rhumb line
Fatu Hiva	FH23	Pointe Teohootefau	10°26' 31" S	138°41' 6" W	Low-water line
Fatu Hiva	FH24		10°26' 26" S	138°41' 8" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Fatu Hiva	FH25	Cap Teaitheoe	10°25' 35" S	138°41' 22" W	Rhumb line
Fatu Hiva	FH26		10°25' 22" S	138°41' 20" W	Rhumb line
Fatu Hiva	FH27		10°25' 15" S	138°41' 4" W	Rhumb line
Fatu Hiva	FH28		10°25' 10" S	138°40' 42" W	Low-water line
Hatutaa	HA01	Rocher remarquable Est	7°3' 43" S	140°33' 40" W	Rhumb line
Hatutaa	HA02		7°4' 11" S	140°33' 3" W	Rhumb line
Hatutaa	HA03		7°4' 21" S	140°33' 2" W	Rhumb line
Hatutaa	HA04		7°4' 31" S	140°33' 6" W	Rhumb line
Hatutaa	HA05		7°4' 52" S	140°33' 23" W	Rhumb line
Hatutaa	HA06		7°5' 23" S	140°34' 5" W	Rhumb line
Hatutaa	HA07		7°5' 33" S	140°34' 21" W	Rhumb line
Hatutaa	HA08		7°5' 34" S	140°34' 23" W	Rhumb line
Hatutaa	HA09		7°5' 51" S	140°34' 53" W	Low-water line
Hatutaa	HA10		7°5' 54" S	140°35' 1" W	Rhumb line
Hatutaa	HA11		7°5' 60" S	140°35' 25" W	Rhumb line
Hatutaa	HA12		7°6' 0" S	140°35' 44" W	Rhumb line
Hatutaa	HA13		7°5' 51" S	140°36' 2" W	Rhumb line
Hatutaa	HA14		7°5' 47" S	140°35' 59" W	Rhumb line



Island	Point	Name	Latitude	Longitude	Type of line
Hatutaa	HA15		7°5' 44" S	140°35' 56" W	Rhumb line
Hatutaa	HA16		7°5' 41" S	140°35' 53" W	Rhumb line
Hatutaa	HA17		7°5' 39" S	140°35' 51" W	Rhumb line
Hatutaa	HA18		7°4' 33" S	140°34' 20" W	Rhumb line
Hatutaa	HA19	Rocher remarquable Ouest	7°3' 43" S	140°33' 42" W	Low-water line
Hiva Oa	HO01		9°1' 51" S	138°59' 35" W	Rhumb line
Hiva Oa	HO02		9°1' 51" S	138°59' 13" W	Rhumb line
Hiva Oa	HO03		9°1' 53" S	138°59' 6" W	Low-water line
Hiva Oa	HO04		9°1' 54" S	138° 59' 1" W	Rhumb line
Hiva Oa	HO05		9°2' 10" S	138°58'3 V W	Low-water line
Hiva Oa	HO06		9°2' 15" S	138°58' 24" W	Rhumb line
Hiva Oa	HO07	Motuhoke	9°2' 29" S	138°58' 6" W	Rhumb line
Hiva Oa	HO08		9°4' 15" S	138°53' 44" W	Rhumb line
Hiva Oa	HO09	Pointe Teohootupa	9°5' 32" S	138°50' 50" W	Rhumb line
Hiva Oa	HO10	Motuofio	9°4' 17" S	138°48' 28" W	Rhumb line
Hiva Oa	HO11	Cap Matafenua	9°4' 39" S	138°47' 56" W	Rhumb line
Hiva Oa	HO12	Motutapu	9°4 51" S	138°47' 50" W	Rhumb line
Hiva Oa	HO13	Pointe Teohotepapa	9°5' 54" S	138°48' 26" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Hiva Oa	HO14	Pointe Teohooteveivei	9°6' 11" S	138°48' 56" W	Rhumb line
Hiva Oa	HO15	Pointe Tekui	9°7' 44" S	138°52' 19" W	Rhumb line
Hiva Oa	HO16	Motuoa	9°8' 26" S	138°53' 48" W	Rhumb line
Hiva Oa	HO17	Pointe Teohoaivehi	9°8' 29" S	138°54' 3" W	Rhumb line
Hiva Oa	HO18	Pointe Tuuomua	9°8' 33" S	138°54' 50" W	Rhumb line
Hiva Oa	HO19	Pointe Pakahakaha	9°8' 45" S	138°59' 26" W	Rhumb line
Hiva Oa	HO20	Cap Teahoa	9°0' 58" S	139°02' 10" W	Rhumb line
Hiva Oa	HO21	Pointe Teahu Nord	9° 1' 14" S	139°02' 19" W	Low-water line
Hiva Oa	HO22	Pointe Teahu Sud	9° 1' 15" S	139°02' 20" W	Rhumb line
Hiva Oa	HO23	Pointe Faakua	9°1' 24" S	139°02' 29" W	Rhumb line
Hiva Oa	HO24		9°1' 33" S	139°02' 37" W	Rhumb line
Hiva Oa	HO25	Pointe Papahava Ouest	9°1' 35" S	139°02' 41" W	Rhumb line
Hiva Oa	HO26		9°1' 39" S	139°02' 58" W	Rhumb line
Hiva Oa	HO27	Pointe Tepuhihaatuna	9°1' 40" S	139°03' 7" W	Rhumb line
Hiva Oa	HO28		9°1' 37" S	139°03' 23" W	Rhumb line
Hiva Oa	HO29		9°1' 20" S	139°03' 53" W	Rhumb line
Hiva Oa	HO30		9° 1' 7" S	139°05' 3" W	Rhumb line
Hiva Oa	HO31		9°0' 55" S	139°05' 54" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Hiva Oa	HO32	Pointe Keahapaa	9°0' 49" S	139°06' 6" W	Rhumb line
Hiva Oa	HO33	Pointe Tapaapaa	9°0' 33" S	139°06' 56" W	Rhumb line
Hiva Oa	HO34		9°0' 16" S	139°07' 8" W	Rhumb line
Hiva Oa	HO35	Pointe Punaohotea	9°0' 1" S	139°07' 32" W	Rhumb line
Hiva Oa	HO36		9°9' 43" S	139°07' 60" W	Rhumb line
Hiva Oa	HO37	Pointe Tepupuhi	9°9' 35" S	139°08' 9" W	Rhumb line
Hiva Oa	HO38	Pointe Teanaotetua	9°9' 7" S	139°08' 27" W	Rhumb line
Hiva Oa	HO39	Pointe Teihuotehae	9°8' 6" S	139° 09' 9" W	Rhumb line
Hiva Oa	HO40	Pointe Tutaekena	9°7' 51" S	139°09' 17" W	Rhumb line
Hiva Oa	HO41	Cap Kiukiu	9°6' 33" S	139°09' 51" W	Rhumb line
Hiva Oa	HO42		9°6' 27" S	139°09' 50" W	Rhumb line
Hiva Oa	HO43		9°6' 20" S	139°09' 44" W	Rhumb line
Hiva Oa	HO44	Pointe Matatana	9°5' 30" S	139°09' 1" W	Rhumb line
Hiva Oa	HO45		9°5' 25" S	139°08' 54" W	Rhumb line
Hiva Oa	HO46	Pointe Tekakaho	9°4' 57" S	139°07' 58" W	Rhumb line
Hiva Oa	HO47		9°4' 48" S	139°07' 30" W	Rhumb line
Hiva Oa	HO48		9°4' 20" S	139°05' 32" W	Rhumb line
Hiva Oa	HO49	Pointe Matatepai	9°2' 14" S	139°02' 23" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Hiva Oa	HO50	Pointe Tehomotuhimaki	9°1' 54" S	139°00' 18" W	Rhumb line
Mohotani and Terihi	TR01		10° 00' 43" S	138°48' 27" W	Rhumb line
Mohotani and Terihi	TR02	Terihi Nord	10° 00' 56" S	138°48' 10" W	Low-water line
Mohotani and Terihi	TR04		10°00' 60" S	138°48' 37" W	Low-water line
Mohotani and Terihi	TR03	Terihi Sud-Ouest	10°01' 11" S	138°48' 18" W	Rhumb line
Nuku Hiva	NH01	Baie Teuaava Ouest	8°6' 51" S	140°10' 34" W	Rhumb line
Nuku Hiva	NH02	Pointe Utukohoi	8°6' 53" S	140° 10' 7" W	Rhumb line
Nuku Hiva	NH03	Pointe Matau	8°7' 28" S	140°09' 26" W	Rhumb line
Nuku Hiva	NH04	Pointe Temoe	8°8' 12" S	140°05' 2" W	Rhumb line
Nuku Hiva	NH05	Motu Poiku	8°7' 23" S	140°01' 60" W	Rhumb line
Nuku Hiva	NH06	Pointe Tehaeouti	8°7' 36" S	140°00' 54" w	Rhumb line
Nuku Hiva	NH07	Pointe Matauaoa	8°7' 46" S	140°00' 35" W	Rhumb line
Nuku Hiva	NH08		8°8' 7" S	140°00' 34" W	Low-water line
Nuku Hiva	NH09		8°8' 12" S	140°00' 34" W	Rhumb line
Nuku Hiva	NH10	Cap Toea Nord	8°1' 10" S	140°00' 23" W	Rhumb line
Nuku Hiva	NH11	Cap Toea Sud	8°1' 14" S	140°00' 23" W	Rhumb line
Nuku Hiva	NH12		8°5' 16" S	140°00' 38" W	Rhumb line
Nuku Hiva	NH13		8°5' 19" S	140°00' 39" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Nuku Hiva	NH14		8°5' 25" S	140°00' 42" W	Rhumb line
Nuku Hiva	NH15	Teohootekea	8°5' 59" S	140°01' 11" W	Rhumb line
Nuku Hiva	NH16	Ilot Matauapuna	8°6' 23" S	140°05' 45" W	Rhumb line
Nuku Hiva	NH17	Cap Motumano	8°7' 57" S	140° 11' 14" W	Rhumb line
Nuku Hiva	NH18	Pointe Matateteiko Sud	8°6' 1" S	140°13' 35" W	Rhumb line
Nuku Hiva	NH19	Pointe Matateteiko Nord	8°5' 54" S	140°13' 39" W	Rhumb line
Nuku Hiva	NH20		8°0' 45" S	140° 14' 60" W	Rhumb line
Nuku Hiva	NH21		8°9' 57" S	140°15' 10" W	Rhumb line
Nuku Hiva	NH22	Pointe Tehumuhumu	8°9' 28" S	140° 15' 8" W	Rhumb line
Nuku Hiva	NH23		8°8' 52" S	140° 15' 3" W	Rhumb line
Nuku Hiva	NH24		8°8' 3" S	140°14' 54" W	Rhumb line
Nuku Hiva	NH25	Pointe Hinahaapapa	8°7' 56' S	140°14' 51" W	Rhumb line
Nuku Hiva	NH26		8°7' 48" S	140° 14 44" W	Rhumb line
Nuku Hiva	NH27	Pointe Motu Omei	8°7' 36" S	140° 14' 16" W	Rhumb line
Nuku Hiva	NH28	Pointe Teipuuka	8°7' 23" S	140° 13' 39" W	Rhumb line
Nuku Hiva	NH29		8°7' 17" S	140°13' 21" W	Rhumb line
Nuku Hiva	NH30		8°7' 14" S	140° 13' 12" W	Rhumb line
Nuku Hiva	NH31		8°7' 13" S	140° 13' 7" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Nuku Hiva	NH32	Anse Haahinani Est	8°7' 2" S	140° 12' 33" W	Rhumb line
Nuku Hiva	NH33		8°6' 58" S	140° 12' 20" W	Rhumb line
Nuku Hiva	NH34	Baie Motuee Ouest	8°6' 55" S	140°12' 1" W	Rhumb line
Nuku Hiva	NH35	Baie Hakaehu Est	8°6' 54" S	140° 10' 51" W	Rhumb line
Tahuata	TH01		9°3' 18" S	139°04' 14" W	Rhumb line
Tahuata	TH02	Pointe Matateteio	9°3' 27" S	139°03' 52" W	Rhumb line
Tahuata	TH03		9°4' 17" S	139°03' 5" W	Rhumb line
Tahuata	TH04		9°5' 45" S	139°02' 9" W	Rhumb line
Tahuata	TH05		9°5' 53" S	139°02' 5" W	Rhumb line
Tahuata	TH06	Pointe Matatevai Nord	9°6' 31" S	139°02' 8" W	Low-water line
Tahuata	TH07	Pointe Matatevai Sud	9°6' 35" S	139°02' 8" W	Rhumb line
Tahuata	TH08	Cap Moteve Est	9°7' 37" S	139°02' 34" W	Low-water line
Tahuata	TH09	Cap Moteve Ouest	9°7' 38" S	139°02' 40" W	Rhumb line
Tahuata	TH10	Pointe Mataaai	9°7' 51" S	139°04' 20" W	Rhumb line
Tahuata	TH11	Cap Tehopeotekeho	10°01' 36" S	139°06' 56" W	Low-water line
Tahuata	TH12		10°01' 26" S	139°07' 7" W	Rhumb line
Tahuata	TH13	Pointe Anafanui	10°01' 4" S	139°07' 20" W	Rhumb line
Tahuata	TH14	Pointe Tehotemeie	10°00' 1" S	139°07' 52" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Tahuata	TH15	Anse Hanaoane	9°9' 24" S	139°07' 56" W	Rhumb line
Tahuata	TH16	Pointe Namahana	9°8' 42" S	139°07' 58" W	Rhumb line
Tahuata	TH17	Pointe Hahamano	9°8' 13" S	139°07' 54" W	Rhumb line
Tahuata	TH18	Pointe Punaototo	9°5' 45" S	139°07' 6" W	Rhumb line
Tahuata	TH19	Pointe Teohootepuaena	9°5' 3" S	139°06' 52" W	Rhumb line
Tahuata	TH20		9°4' 57" S	139°06' 48" W	Rhumb line
Tahuata	TH21		9°3' 48" S	139°06' 1" W	Rhumb line
Tahuata	TH22	Pointe Matatehoke Ouest	9°3' 37" S	139°05' 52" W	Rhumb line
Tahuata	TH23	Pointe Matatehoke Est	9°3' 36" S	139°05' 49" W	Rhumb line
Tahuata	TH24	Pointe Meauteivi	9°3' 27" S	139° 05' 9" W	Rhumb line
Tahuata	TH25	Motumoohe	9°3' 22" S	139°04' 44" W	Rhumb line
Ua Huka	UH01	Rocher Komautuee	8°1'41"S	139°35'39" W	Rhumb line
Ua Huka	UH02	Motutapu	8°1' 44" S	139°33' 5W	Rhumb line
Ua Huka	UH03	Pointe Matavea	8°2' 3" S	139°32' 18" W	Rhumb line
Ua Huka	UH04	Pointe Tupete	8°2' 14" S	139°31' 38" W	Rhumb line
Ua Huka	UH05	Baie Hanaeo	8°2' 24" S	139°31' 16" W	Low-water line
Ua Huka	UH06	Pointe Poiomoho	8°2' 26" S	139°31' 10" W	Rhumb line
Ua Huka	UH07	Baie Haateaoa Est	8°2' 53" S	139°30' 32" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Ua Huka	UH08		8°2' 59" S	139°30' 20" W	Rhumb line
Ua Huka	UH09		8°3' 9" S	139°30' 6" W	Rhumb line
Ua Huka	UH10	Pointe Tutaekena	8°3' 26" S	139°29' 56" W	Rhumb line
Ua Huka	UH11	Pointe Kouhau	8°3'51"S	139°29'41" W	Rhumb line
Ua Huka	UH12	Pointe Papaoho	8°4' 49" S	139°29' 9" W	Rhumb line
Ua Huka	UH13	Pointe Vaitetiki	8°5' 33" S	139°29' 4W	Rhumb line
Ua Huka	UH14	Pointe Motutui	8°6' 5" S	139°29' 13" W	Rhumb line
Ua Huka	UH15	Cap Teohootepapa	8°6' 31" S	139°29' 28" W	Rhumb line
Ua Huka	UH16	Motuhane Sud	8°6' 18" S	139°31' 48" W	Rhumb line
Ua Huka	UH17	Motupapa Sud	8°6' 38" S	139°33' 4" W	Rhumb line
Ua Huka	UH18	Cap Tekeho Est	8°7' 14" S	139°34' 47" W	Low-water line
Ua Huka	UH19	Cap Tekeho Sud	8°7' 17" S	139°34' 52" W	Rhumb line
Ua Huka	UH20	Ilot Teuaua	8°7' 18" S	139°35' 32" W	Rhumb line
Ua Huka	UH21		8°7' 25" S	139°35' 50" W	Rhumb line
Ua Huka	UH22		8°7' 25" S	139°35' 59" W	Rhumb line
Ua Huka	UH23	Motukeokeo	8°7' 20" S	139°36' 3" W	Rhumb line
Ua Huka	UH24	Pointe Matau Sud	8°5' 50" S	139°36' 48" W	Low-water line
Ua Huka	UH25	Pointe Matau Nord	8°5' 46" S	139°36' 49" W	Rhumb line



Island	Point	Name	Latitude	Longitude	Type of line
Ua Huka	UH26	Pointe Hoa	8°5' 22" S	139°36' 53" W	Low-water line
Ua Huka	UH27	Pointe Paekohu	8°5' 1" S	139°36' 49" W	Rhumb line
Ua Huka	UH28		8°4' 41" S	139°36' 48" W	Rhumb line
Ua Huka	UH29	Pointe Avaua	8°4' 25" S	139°36' 44" W	Rhumb line
Ua Pu	UP01	Motukuee	9°0' 2" S	140°04' 54" W	Rhumb line
Ua Pu	UP02	Pointe Hatukoemo	9°0' 5" S	140°04' 12" W	Rhumb line
Ua Pu	UP03	Motu Akua Nord	9°1' 41" S	140°00' 39" W	Low-water line
Ua Pu	UP04	Motu Akua Sud	9°1' 46" S	140°00' 39" W	Rhumb line
Ua Pu	UP05	Motupapati	9°7' 4" S	140°01' 56" W	Rhumb line
Ua Pu	UP06	Motu Oa Sud- Est	9°8' 60" S	140°02' 38" W	Low-water line
Ua Pu	UP07	Motu Oa Sud- Ouest	9°9' 2" S	140°02' 45" W	Rhumb line
Ua Pu	UP08	Motutakae	9°8' 5" S	140°04' 26" W	Rhumb line
Ua Pu	UP09	Pointe Teaoeva	9°7' 12" S	140°05' 15" W	Rhumb line
Ua Pu	UP10	Motukau	9°5' 48" S	140°06' 33" W	Rhumb line
Ua Pu	UP11	Motumouku	9°4' 26" S	140°07' 44" W	Rhumb line
Ua Pu	UP12	Baie Hakaotu Sud	9°4' 4" S	140°07' 53" W	Rhumb line
Ua Pu	UP13	Cap Punahu Sud	9°2' 51" S	140°08' 10" W	Low-water line
Ua Pu	UP14	Cap Punahu Nord	9°2' 49" S	140°08' 9" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Ua Pu	UP15		9°1' 32" S	140°06' 47" W	Rhumb line
Ua Pu	UP16		9°1' 27" S	140°06' 42" W	Rhumb line
Ua Pu	UP17		9°1' 24" S	140°06' 40" W	Rhumb line
Ua Pu	UP18	Pointe Tapahau	9°0' 35" S	140°05' 49" W	Rhumb line

#### Article 7

The low-water line for the Fatu Huku, Motu Iti, Motu One and Rocher Thomasset (Motu Nao) islands and islets is the baseline from which the breadth of the territorial sea adjacent to the Marquesas Islands is measured.

#### Article 8

The baselines from which the breadth of the territorial sea adjacent to the Windward and Leeward Islands, except for the islands and islets mentioned in article 9, is measured are drawn from the following basepoints and lines:

Island	Point	Name	Latitude	Longitude	Type of line
Bora Bora	BR01	Passe Teavanui Sud	16°29' 44" S	151 °46' 54" W	Rhumb line
Bora Bora	BR02	Passe Teavanui Nord	16°29' 21" S	151°46' 50" W	Low-water line
Huahine	HU01	Passe Avamoa Sud	16°42' 46" S	151 °02' 47" W	Rhumb line
Huahine	HU02	Passe Avamoa Nord	16°42' 29" S	151°02' 39" W	Low-water line
Huahine	HU03	Passe Tiare Nord	16°43' 15" S	150°58' 34" W	Rhumb line
Huahine	HU04	Passe Tiare Sud	16°43' 27" S	150°58' 29" W	Low-water line
Huahine	HU05	Passe Farerea Nord	16°44' 35" S	150°58' 10" W	Rhumb line
Huahine	HU06	Passe Farerea Sud	16°44' 60" S	150°58' 9" W	Low-water line
Huahine	HU07	Passe Araara Est	16°49' 21" S	150°58' 28" W	Rhumb line
Huahine	HU08	Passe Araara Ouest	16°49' 27" S	150°58' 39" W	Low-water line

Island	Point	Name	Latitude	Longitude	Type of line
Huahine	HU09	Passe Avapehi Sud	16°43' 45" S	151°03' 13" W	Rhumb line
Huahine	HU10	Passe Avapehi Nord	16°43' 26" S	151°02' 56" W	Low-water line
Maupihaa	MU01	Passe Taihaaru Vahiné Sud	16°47' 2" S	153°58' 36" W	Rhumb line
Maupihaa	MU02	Passe Taihaaru Vahiné Nord	16°46' 60" S	153°58' 34" W	Low-water line
Maupiti	MP01	Passe Onoiau Est	16°29' 6" S	152°14' 42" W	Rhumb line
Maupiti	MP02	Passe Onoiau Ouest	16°29' 5" S	152°14' 55" W	Low-water line
Moorea	MO01	Passe Ava Iti Ouest	17°28' 15" S	149°46' 53" W	Rhumb line
Moorea	MO02	Passe Ava Iti Est	17°28' 16" S	149°46' 41" W	Low-water line
Moorea	MO03	Passe Vaiare Nord	17°31' 18" S	149°45' 48" W	Rhumb line
Moorea	MO04	Passe Vaiare Sud	17°31' 32" S	149°45' 48" W	Low-water line
Moorea	MO05	Passe Tupapaurau Nord	17°33' 18" S	149°46' 34" W	Rhumb line
Moorea	MO06	Passe Tupapaurau Sud	17°33' 35" S	149°46' 46" W	Low-water line
Moorea	MO07	Passe Teruaupu Nord	17°34' 22" S	149°47' 14" W	Rhumb line
Moorea	MO08	Passe Teruaupu Sud	17°34' 35" S	149°47' 15" W	Low-water line
Moorea	MO09	Passe Avarapa Est	17°35' 58" S	149°50' 33" W	Rhumb line
Moorea	MO10	Passe Avarapa Ouest	17°35' 49" S	149°50' 55" W	Low-water line
Moorea	MO11	Passe Matauvau Sud	17°34' 25" S	149°52' 46" W	Rhumb line
Moorea	MO02	Passe Matauvau Nord	17°34' 13" S	149°52' 56" W	Low-water line

Island	Point	Name	Latitude	Longitude	Type of line
Moorea	MO13	Passe Avamotu Sud	17°33' 41" S	149°53' 20" W	Rhumb line
Moorea	MO14	Passe Avamotu Nord	17°33' 34" S	149°53' 25" W	Low-water line
Moorea	MO15	Passe Taota Est	17°32' 31" S	149°54' 31" W	Rhumb line
Moorea	MO16	Passe Taota Ouest	17°32' 26" S	149°54' 40" W	Low-water line
Moorea	MO17	Passe Taotoi Ouest	17°28' 59" S	149°53' 48" W	Rhumb line
Moorea	MO18	Passe Taotoi Est	17°28' 59" S	149°53' 36" W	Low-water line
Moorea	MO19	Passe Tareu Ouest	17°29' 14" S	149°51' 54" W	Rhumb line
Moorea	MO20	Passe Tareu Est	17°29' 14" S	149°51' 35" W	Low-water line
Moorea	MO21	Passe Avaora Ouest	17°28' 40" S	149°49' 42" W	Rhumb line
Moorea	MO22	Passe Avaora Est	17°28' 36" S	149°49' 26" W	Low-water line
Moorea	MO23	Passe Irihonu Ouest	17°28' 26" S	149°48' 1" W	Rhumb line
Moorea	MO24	Passe Irihonu Est	17°28' 26" S	149°47' 53" W	Low-water line
Raiatea	RA01	Passe Teavapiti Nord	16°44' 27" S	151°25' 16" W	Rhumb line
Raiatea	RA02	Passe Teavapiti Sud	16°44' 50" S	151°25' 5" W	Low-water line
Raiatea	RA03	Passe Iriru Nord	16°47' 11" S	151°22' 61" W	Rhumb line
Raiatea	RA04	Passe Iriru Sud	16°47' 20" S	151°22' 48" W	Low-water line
Raiatea	RA05	Passe Teavamoa Nord	16°49' 44" S	151°20' 49" W	Rhumb line
Raiatea	RA06	Passe Teavamoa Sud	16°50' 0" S	151°20' 39" W	Low-water line

Island	Point	Name	Latitude	Longitude	Type of line
Raiatea	RA07	Passe Naonao Est	16°54' 55" S	151°24' 56" W	Rhumb line
Raiatea	RA08	Passe Naonao Ouest	16°55' 12" S	151°25' 8" W	Low-water line
Raiatea	RA09	Passe Punaeroa Sud	16°53' 60" S	151°29' 26" W	Rhumb line
Raiatea	RA10	Passe Punaeroa Nord	16°53' 40" S	151°29' 26" W	Low-water line
Raiatea	RA11	Passe Toamaro Sud	16°51' 20" S	151 °29' 42" W	Rhumb line
Raiatea	RA12	Passe Toamaro Nord	16°51' 3" S	151 °29' 37" W	Low-water line
Raiatea	RA13	Passe Tetuatiare Sud	16°49' 37" S	151°29' 40" W	Rhumb line
Raiatea	RA14	Passe Tetuatiare Nord	16°49' 27" S	151°29' 39" W	Low-water line
Raiatea	RA15	Passe Rautoanui Sud	16°45' 43" S	151°30' 17" W	Rhumb line
Raiatea	RA16	Passe Rautoanui Nord	16°45' 16" S	151°30' 18" W	Low-water line
Tahaa	AA01	Passe Toahotu Nord	16°38' 47" S	151°25' 21" W	Rhumb line
Tahaa	AA02	Passe Toahotu Sud	16°39' 10" S	151°25' 30" W	Low-water line
Tahaa	AA03	Passe Palpai Est	16°40' 4" S	151°32' 10" W	Rhumb line
Tahaa	AA04	Passe Palpai Ouest	16°39' 52" S	151°32' 37" W	Low-water line
Tahiti	TA01	Pointe Vénus Est	17°29' 24" S	149°29' 23" W	Rhumb line
Tahiti	TA02	Motu Au	17°29' 36" S	149°28' 45" W	Rhumb line
Tahiti	TA03	Pointe Tapahi	17°30' 22" S	149°27' 33" W	Low-water line
Tahiti	TA04		17°34' 13" S	149°18' 53" W	Rhumb line

Island	Point	Name	Latitude	Longitude	Type of line
Tahiti	TA05	Récif Nord Ilot de Nansouty Nord	17°34' 3" S	149°18' 15" W	Low-water line
Tahiti	TA06		17°35' 6" S	149° 17' 47" W	Rhumb line
Tahiti	TA07	Ile Variararu	17°35' 40" S	149° 17' 46" W	Low-water line
Tahiti	TA08	Passe de la Boudeuse Nord	17°36' 4" S	149°17' 46" W	Rhumb line
Tahiti	TA09	Passe de la Boudeuse Sud	17°36' 23" S	149° 17' 48" W	Low-water line
Tahiti	TA10	Passe Tamatoe Nord	17°38' 27" S	149°18' 10" W	Rhumb line
Tahiti	TA11	Passe Utofai Sud	17°39' 39" S	149°17' 56" W	Low-water line
Tahiti	TA12	Passe de Faaone Nord	17°40' 21 " S	149° 17' 57" W	Rhumb line
Tahiti	TA13	Passe de Faaone Sud	17°40' 53" S	149° 17' 52" W	Low-water line
Tahiti	TA14	Passe de Vaihi Nord	17°41' 1" S	149°17'51" W	Rhumb line
Tahiti	TA15	Passe de Vaihi Sud	17°41' 13" S	149°17' 51" W	Low-water line
Tahiti	TA16	Passe de Papeiri Nord	17°42' 26" S	149° 17' 46" W	Rhumb line
Tahiti	TA17	Passe de Motunono Est	17°43' 11" S	149°16' 21" W	Low-water line
Tahiti	TA18		17°43' 17" S	149° 15' 60" W	Rhumb line
Tahiti	TA19		17°43' 18" S	149° 15' 56" W	Low-water line
Tahiti	TA20		17°43' 19" S	149° 15' 51 " W	Rhumb line
Tahiti	TA21	Passe Toamatie Est	17°43' 44" S	149° 14' 42" W	Low-water line

Island	Point	Name	Latitude	Longitude	Type of line
Tahiti	TA22	Passe Tiitau Ouest	17°43' 44" S	149° 14' 37" W	Rhumb line
Tahiti	TA23	Passe Tiitau Est	17°43' 42" S	149° 14' 21" W	Low-water line
Tahiti	TA24	Passe Urfi Ouest	17°43' 48" S	149° 13' 52" W	Rhumb line
Tahiti	TA25	Passe Urfi Est	17°43' 51" S	149° 13' 48" W	Low-water line
Tahiti	TA26	Passe de Taharoa Ouest	17°44' 4" S	149° 12' 52" W	Rhumb line
Tahiti	TA27	Passe de Taharoa Est	17°44' 11" S	149°12' 18" W	Low-water line
Tahiti	TA28	Passe Teafa Ouest	17°44' 49" S	149° 10' 32" W	Rhumb line
Tahiti	TA29	Passe Teafa Est	17°44' 47" S	149° 10' 2" W	Low-water line
Tahiti	TA30	Passe Tahumatara Nord	17°45' 12" S	149°08' 46" W	Rhumb line
Tahiti	TA31	Passe Tahumatara Sud	17°45' 21" S	149°08' 35" W	Low-water line
Tahiti	TA32	Passe Vaionifa Nord	17°46' 22" S	149°07' 30" W	Rhumb line
Tahiti	TA33	Passe Vaionifa Sud	17°46' 33" S	149°07' 22" W	Low-water line
Tahiti	TA34	Passe d'Aiurua Nord	17°49' 14" S	149°07' 15" W	Rhumb line
Tahiti	TA35	Passe d'Aiurua Sud	17°49' 30" S	149°07' 17" W	Low-water line
Tahiti	TA36	Récif sud Fenuaino	17°50' 30" S	149°07' 10" W	Rhumb line
Tahiti	TA37	Teruamao	17°50' 40" S	149°07' 51" W	Low-water line
Tahiti	TA38	Pointe Fareara	17°52' 53" S	149°09' 47" W	Rhumb line
Tahiti	TA39	Passe Tutataroa	17°53' 28" S	149° 10' 19" W	Low-water line

Island	Point	Name	Latitude	Longitude	Type of line
Tahiti	TA40	Pointe Vaiau Est	17°53' 9" S	149° 11' 26" W	Rhumb line
Tahiti	TA41	Pointe Vaiau Ouest	17°53' 2" S	149° 11' 32" W	Low-water line
Tahiti	TA42	Passe Puotoe Est	17°52' 31" S	149°13' 47" W	Rhumb line
Tahiti	TA43	Passe Puotoe Ouest	17°52' 26" S	149°14' 4" W	Low-water line
Tahiti	TA44	Passe Havae Est	17°52' 2" S	149°15' 10" W	Rhumb line
Tahiti	TA45	Passe Havae Ouest	17°51' 44" S	149° 15' 22" W	Low-water line
Tahiti	TA46	Passe Teavaino Est	17°51' 30" S	149° 16' 25" W	Rhumb line
Tahiti	TA47	Passe Teavaino Ouest	17°51' 22" S	149°16' 48" W	Low-water line
Tahiti	TA48	Passe Te Ava Itii Sud	17°50' 35" S	149°17' 44" W	Rhumb line
Tahiti	TA49	Passe Te Ava Itii Nord	17°50' 30" S	149°17' 49" W	Low-water line
Tahiti	TA50	Passe Teavamotu Sud	17°49' 2" S	149° 18' 22" W	Rhumb line
Tahiti	TA51	Récif Tefaapou	17°46' 53" S	149°22' 9" W	Low-water line
Tahiti	TA52	Passe Rautirare Est	17°46' 56" S	149°23' 47" W	Rhumb line
Tahiti	TA53	Passe Rautirare Ouest	17°47' 4" S	149°24' 23" W	Low-water line
Tahiti	TA54	Passe Aifa Est	17°47' 7" S	149°25' 21" W	Rhumb line
Tahiti	TA55	Passe Aifa Ouest	17°47' 12" S	149°25' 35" W	Low-water line
Tahiti	TA56	Passe Teavaraa Sud	17°47' 10" S	149°28' 17" W	Rhumb line
Tahiti	TA57	Passe Teavaraa Nord	17°47' 3" S	149°28' 26" W	Low-water line



Island	Point	Name	Latitude	Longitude	Type of line
Tahiti	TA58	Baie de Popoti Est	17°46' 47" S	149°28' 51" W	Rhumb line
Tahiti	TA59	Baie de Popoti Ouest	17°46' 22" S	149°29' 39" W	Low-water line
Tahiti	TA60	Passe Faarearrea Est	17°46' 9" S	149°29' 60" W	Rhumb line
Tahiti	TA61	Passe Faarearea Ouest	17°45' 58" S	149°30' 17" W	Low-water line
Tahiti	TA62	Passe Toapiro Est	17°45' 57" S	149°31' 24" W	Rhumb line
Tahiti	TA63	Passe Toapiro Ouest	17°45' 56" S	149°31' 32" W	Low-water line
Tahiti	TA64	Passe Teavaiti Est	17°45' 33" S	149°33' 35" W	Rhumb line
Tahiti	TA65	Passe Teavaiti Ouest	17°45' 33" S	149°33' 42" W	Low-water line
Tahiti	TA66	Passe de Maraa Est	17°45' 5" S	149°34' 46" W	Rhumb line
Tahiti	TA67	Passe de Maraa Ouest	17°44' 56" S	149°35' 1" W	Low-water line
Tahiti	TA68	Passe de Paea Sud	17°41' 44" S	149°35' 24" W	Rhumb line
Tahiti	TA69	Passe de Paea Nord	17°41' 20" S	149°35' 32" W	Low-water line
Tahiti	TA70	Passe Poohonu Sud	17°40' 32" S	149°35' 48" W	Rhumb line
Tahiti	TA71	Passe Poohonu Nord	17°40' 28" S	149°35' 50" W	Low-water line
Tahiti	TA72	Baie de Punaauia Nord	17°38' 6" S	149°37' 17" W	Rhumb line
Tahiti	TA73	Baie de Punaauia Sud	17°37' 8" S	149°37' 11" W	Low-water line
Tahiti	TA74	Passe de Taapuna Sud	17°36' 13" S	149°37' 21" W	Rhumb line
Tahiti	TA75	Passe de Taapuna Nord	17°35' 55" S	149°37' 27" W	Low-water line

Island	Point	Name	Latitude	Longitude	Type of line
Tahiti	TA76	Passe de Papeete Ouest	17°32' 11" S	149°35' 23" W	Rhumb line
Tahiti	TA77	Passe de Papeete Est	17°32' 4" S	149°35' 5" W	Low-water line
Tahiti	TA78	Passe de Taunooa Ouest	17°31' 10" S	149°33' 14" W	Rhumb line
Tahiti	TA79	Passe de Taunooa Est	17°31' 5" S	149°33' 1" W	Low-water line
Tahiti	TA80	Baie de Matavai Ouest	17°30' 57" S	149°31' 40" W	Rhumb line
Tahiti	TA81	Baie de Matavai Est	17°29' 42" S	149°30' 5" W	Low-water line

#### Article 9

The low-water line for the Maiao, Manuae, Meetia, Motu One, Tetiaroa and Tupai islands and islets is the baseline from which the breadth of the territorial sea adjacent to the Windward and Leeward Islands is measured.

#### Article 10

The baselines from which the breadth of the territorial sea adjacent to the Tuamotu Islands, except for the islands and islets mentioned in article 11, is measured are drawn from the following basepoints and lines:

	Island	Point	Name	Latitude	Longitude	Type of Line
Tuamotus	Ahe	AE01	Passe Tiareroa Est	14°27' 30" S	146°21' 43" W	Rhumb line
Tuamotus	Ahe	AE02	Passe Tiareroa Ouest	14°27' 18" S	146°21' 34" W	Low-water line
Tuamotus	Amanu	AU01	Passe Fafameru Sud	17°50' 28" S	140°51' 13" W	Rhumb line
Tuamotus	Amanu	AU02	Passe Fafameru Nord	17°50' 19" S	140°51' 7" W	Low-water line
Tuamotus	Amanu	AU03	Passe Teikariki Sud	17°49' 46" S	140°50' 35" W	Rhumb line
Tuamotus	Amanu	AU04	Passe Teikariki Nord	17°49' 40" S	140°50' 27" W	Low-water line
Tuamotus	Apataki	AP01	Passe Tehere Sud	15° 18' 54" S	146°24' 47" W	Rhumb line
Tuamotus	Apataki	AP02	Passe Tehere Nord	15° 18' 42" S	146°24' 36" W	Low-water line

	Island	Point	Name	Latitude	Longitude	Type of Line
Tuamotus	Apataki	AP03	Passe Pakaka Sud	15°34' 25" S	146°25' 3" W	Rhumb line
Tuamotus	Apataki	AP04	Passe Pakaka Nord	15°33' 60" S	146°25' 20 " W	Low-water line
Tuamotus	Aratika	AK01	Passe Tamaketa Sud	15°29' 12" S	145°34' 59" W	Rhumb line
Tuamotus	Aratika	AK02	Passe Tamaketa Nord	15°29' 3" S	145°34' 55 " W	Low-water line
Tuamotus	Aratika	AK03	Passe Fainukea Nord	15°30' 22" S	145°26' 55 " W	Rhumb line
Tuamotus	Aratika	AK04	Passe Fainukea Sud	15°30' 25" S	145°26' 57" W	Low-water line
Tuamotus	Arutua	AR01	Passe Porofai Nord	15°21' 57" S	146°37' 11" W	Rhumb line
Tuamotus	Arutua	AR02	Passe Porofai Sud	15°22' 2" S	146°37' 15" W	Low-water line
Tuamotus	Faaite	FT01	Passe Teporioha Sud	16°42' 8" S	145°21' 33 " W	Rhumb line
Tuamotus	Faaite	FT02	Passe Teporioha Nord	16°41' 53" S	145°21' 25 " W	Low-water line
Tuamotus	Fakarava	FV01	Passe Garuae Sud	16°05' 4" S	145°43' 28 " W	Rhumb line
Tuamotus	Fakarava	FV02	Passe Garuae Nord	16°04' 44" S	145°42' 35" W	Low-water line
Tuamotus	Fakarava	FV03	Passe Tumakohua Nord	16°31' 2" S	145°27' 27 " W	Rhumb line
Tuamotus	Fakarava	FV04	Passe Tumakohua Sud	16°31' 30" S	145°27' 47 " W	Low-water line
Tuamotus	Fangataufa	FF01	Passe balisée Sud	22° 12' 3" S	138°45' 52 " W	Rhumb line
Tuamotus	Fangataufa	FF02	Passe balisée Nord	22° 11' 51" S	138°45' 24" W	Low-water line
Tuamotus	Hao	AO01	Passe Kaki Ouest	18°04' 13" S	141°00' 19" W	Rhumb line
Tuamotus	Hao	AO02	Passe Kaki Est	18°04' 9" S	140°59' 61 " W	Low-water line

	Island	Point	Name	Latitude	Longitude	Type of Line
Tuamotus	Katiu	KU01	Passe Pakata Ouest	16°21' 55" S	144°21' 15" W	Rhumb line
Tuamotus	Katiu	KU02	Passe Pakata Est	16°21' 57" S	144°21' 10" W	Low-water line
Tuamotus	Kauehi	KI01	Passe Arikitamiro Sud	15°57' 11" S	145°10'41 " W	Rhumb line
Tuamotus	Kauehi	KI02	Passe Arikitamiro Nord	15°56' 57" S	145° 10' 54" W	Low-water line
Tuamotus	Makemo	MK01	Passe Tapuhiria Ouest	16°26' 52" S	143° 58' 15" W	Rhumb line
Tuamotus	Makemo	MK02	Passe Tapuhiria Est	16°26' 40" S	143°57'6 V W	Low-water line
Tuamotus	Makemo	MK03	Passe Arikitamiro Ouest	16°37' 11" S	143°34' 14" W	Rhumb line
Tuamotus	Makemo	MK04	Passe Arikitamiro Est	16°37' 3" S	143°33' 48 " W	Low-water line
Tuamotus	Manihi	MN01	Passe Tairapa Sud	14°27' 39" S	146°03' 37" W	Rhumb line
Tuamotus	Manihi	MN02	Passe Tairapa Nord	14°27' 32" S	146°03' 45" W	Low-water line
Tuamotus	Motutunga	MA01	Passe Motutunga Ouest	17°03' 44" S	144°24' 18" W	Rhumb line
Tuamotus	Motutunga	MA02	Passe Motutunga Est	17°03' 43" S	144°24' 15 " W	Low-water line
Tuamotus	Moruroa	MR01		21°50' 40" S	138°57' 22" W	Rhumb line
Tuamotus	Moruroa	MR02		21°50' 17" S	138°56' 57" W	Rhumb line
Tuamotus	Moruroa	MR03		21 °48' 32" S	138°55' 53 " W	Low-water line
Tuamotus	Rangiroa	RG01	Passe d'Avatoru Ouest	14°56' 8" S	147°43' 2" W	Rhumb line
Tuamotus	Rangiroa	RG02	Passe d'Avatoru Est	14°56' 14" S	147°42' 32 " W	Low-water line
Tuamotus	Rangiroa	RG03	Passe de Tiputa Nord-Ouest	14°58' 4" S	147°37' 47 " W	Rhumb line

	Island	Point	Name	Latitude	Longitude	Type of Line
Tuamotus	Rangiroa	RG04	Passe de Tiputa Sud-Est	14°58' 18" S	147°37' 29 " W	Low-water line
Tuamotus	Raroia	RR01	Passe Ngarue Ouest	16°01' 13" S	142°27' 38 " W	Rhumb line
Tuamotus	Raroia	RR02	Passe Ngarue Est	16°00' 54" S	142°27' 22 " W	Low-water line
Tuamotus	Tahanea	NE01	Passe Motupuapua Nord	16°50' 4" S	144°41' 55 " W	Rhumb line
Tuamotus	Tahanea	NE02	Passe Motupuapua Sud	16° 50' 17" S	144°41' 48 " W	Low-water line
Tuamotus	Tahanea	NE03	Passe Teavatapu Ouest	16°51' 2" S	144°41' 13" W	Rhumb line
Tuamotus	Tahanea	NE04	Passe Teavatapu Est	16°51' 12" S	144°40' 56 " W	Low-water line
Tuamotus	Tahanea	NE05	Passe d'Otao Ouest	16°51' 28" S	144°39' 43" W	Rhumb line
Tuamotus	Tahanea	NE06	Passe d'Otao Est	16°51' 29" S	144°39' 30 W	Low-water line
Tuamotus	Takaroa	KA01	Passe Teauonae Sud	14°28' 34" S	145°02' 36 " W	Rhumb line
Tuamotus	Takaroa	KA02	Passe Teauonae Nord	14°28' 21" S	145°02' 35 " W	Low-water line
Tuamotus	Tikehau	KE01	Passe Tuheiava Sud	15°00' 44" S	148°17' 4" W	Rhumb line
Tuamotus	Tikehau	KE02	Passe Tuheiava Nord	15°00' 7" S	148° 16' 52 " W	Low-water line
Tuamotus	Toau	TO01	Passe Tehere Sud	15°48' 9" S	146°09' 27" W	Rhumb line
Tuamotus	Toau	TO02	Passe Tehere Nord	15°48' 1" S	146°09' 19" W	Low-water line
Tuamotus	Toau	TO03	Passe Fakatahuna Nord	15°53' 60" S	145°53' 51 " W	Rhumb line
Tuamotus	Toau	TO04	Passe Fakatahuna Sud	15°54' 16" S	145°53' 42" W	Low-water line
Tuamotus	Toau	TO05	Passe Otugi Nord	15°54' 46" S	145°53' 28" W	Rhumb line

	Island	Point	Name	Latitude	Longitude	Type of Line
Tuamotus	Toau	TO06	Passe Otugi Sud	15° 55' 15" S	145° 53' 15" W	Low-water line

#### **Article 11**

The low-water lines of the Ahunui, Akiaki, Anaa, Anuanuraro, Anuanuranga, Faka Hina, Fangatau, Haraiki, Hereheretue, Hikueru, Hiti, Kaukura, Makatea, Manuhangi, Maria, Marokau, Marutea Nord, Marutea Sud, Mataiva, Matureivavao, Morane, Napuka, Negonego, Niau, Nihiru, Nukutavake, Nukutepipi, Paraoa, Pinaki, Pukapuka, Pukarua, Raraka, Ravahere, Reao, Reitoru, Rekareka, Taenga, Taiaro, Takapoto, Takume, Tatakoto, Tauere, Tekokota, Tematagi, Tenararo, Tenarunga, Tepoto (Groupe Raevski), Tepoto (Disappointment Islands), Tikei, Tuanake, Tureia, Vahanga, Vahitahi, Vairaatea and Vanavana islands and islets are the baselines from which the breadth of the territorial sea adjacent to the Tuamotu Islands is measured.

#### **Article 12**

The Minister for Foreign Affairs, the Minister of Defence, the Minister of the Interior, the Minister of Ecology, Sustainable Development and Energy, the Minister for Overseas Territories and the Junior Minister for Transport, Oceans and Fisheries in the Ministry of Ecology, Sustainable Development and Energy, within their respective mandates, shall be responsible for the implementation of this decree, which shall be published in the Official Gazette of the French Republic.

Done on 18 September 2012.

Prime Minister: Jean-Marc Ayrault

Minister for Overseas Territories: Victorin Lurel

Minister for Foreign Affairs: Laurent Fabius

Minister of the Interior: Manuel Valls

Minister of Ecology, Sustainable Development and Energy: Delphine Batho

Minister of Defence: Jean-Yves Le Drian

Junior Minister for Transport, Oceans and Fisheries in the Ministry of Ecology, Sustainable Development and Energy: Frédéric Cuvillier

B. Bilateral Treaties

1. *Cook Islands*

*Agreement between the Government of the Cook Islands and the  
Government of Niue concerning the delimitation of the maritime boundaries  
between the Cook Islands and Niue,  
Rarotonga, 29 August 2012<sup>3</sup>*

The Government of the Cook Islands and the Government of Niue,

**Desirous** of strengthening the bonds of neighbourliness and friendship between the Cook Islands and Niue,

**Recognising** the need to effect a precise and equitable delimitation of the maritime boundaries between the Cook Islands and Niue,

**Recalling** the rules and principles of relevant international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982,

**Have agreed** as follows,

**Article 1**

The boundary between the exclusive economic zones and continental shelves of the Cook Islands and Niue is a line of equidistance, determined by using the nearest baselines from which, in each case, the territorial sea is measured.

**Article 2**

1. The boundary between the exclusive economic zones and continental shelves of the Cook Islands and Niue lies west of the Southern Cook Islands on the one hand and lies east of Niue on the other hand is the line formed by the geodesics joining the following geographical co-ordinates:

<sup>3</sup> Transmitted by note verbale dated 17 July 2013 from the Ministry of Foreign Affairs and Immigration of the Government of the Cook Islands addressed to the Secretariat of the United Nations.

Deposited with the Secretary-General under articles 75(2) and 84(2) of the Convention (see Maritime Zone Notification M.Z.N.96.2013.LOS of 13 August 2013).

Entry into force: 29 August 2012.

Point ID	Latitude	Longitude
1	17° 33' 19.11" S	166° 38' 27.61" W
2	17° 33' 20.78" S	166° 38' 28.89" W
3	17° 33' 26.15" S	166° 38' 28.09" W
4	17° 49' 50.13" S	166° 36' 00.54" W
5	17° 54' 08.89" S	166° 35' 21.61" W
6	18° 01' 46.91" S	166° 34' 12.28" W
7	18° 03' 12.14" S	166° 33' 58.10" W
8	18° 35' 12.31" S	166° 28' 36.90" W
9	18° 55' 46.11" S	166° 25' 09.44" W
10	19° 11' 47.92" S	166° 22' 26.87" W
11	19° 37' 54.55" S	166° 18' 00.53" W
12	19° 38' 53.72" S	166° 17' 50.28" W

2. The geographical co-ordinates referred to in paragraph 1 are based on the World Geodetic system (WGS 84).
3. This line is depicted for illustrative purposes on the chart annexed to this Agreement.

### Article 3

If any single accumulation or deposit of liquid hydrocarbon, natural gas, or other mineral extends across the maritime boundary line described in paragraph 1 of Article 2, and if one Party by exploiting that accumulation or deposit would withdraw, deplete, or draw down the portion of the accumulation or deposit that is on the other Party's side of the boundary line, then before the accumulation or deposit is exploited, the Parties shall consult with a view toward reaching an agreement on the manner in which the accumulation or deposit may be most effectively exploited and on the equitable sharing of the benefits from such exploitation.

### Article 4

Each Party shall notify the other in writing of the completion of its domestic procedures required for the entry into force of this Agreement. The Agreement shall enter into force on the date of receipt of the later of these notifications.

In witness thereof, the representatives of the two Governments, being duly authorised for this purpose, have signed this Agreement.

Done in duplicate at Rarotonga, Cook Islands on Wednesday 29<sup>th</sup> August 2012.

Signed

For the Government of the Cook Islands

Hon Henry Puna

Prime Minister

Signed

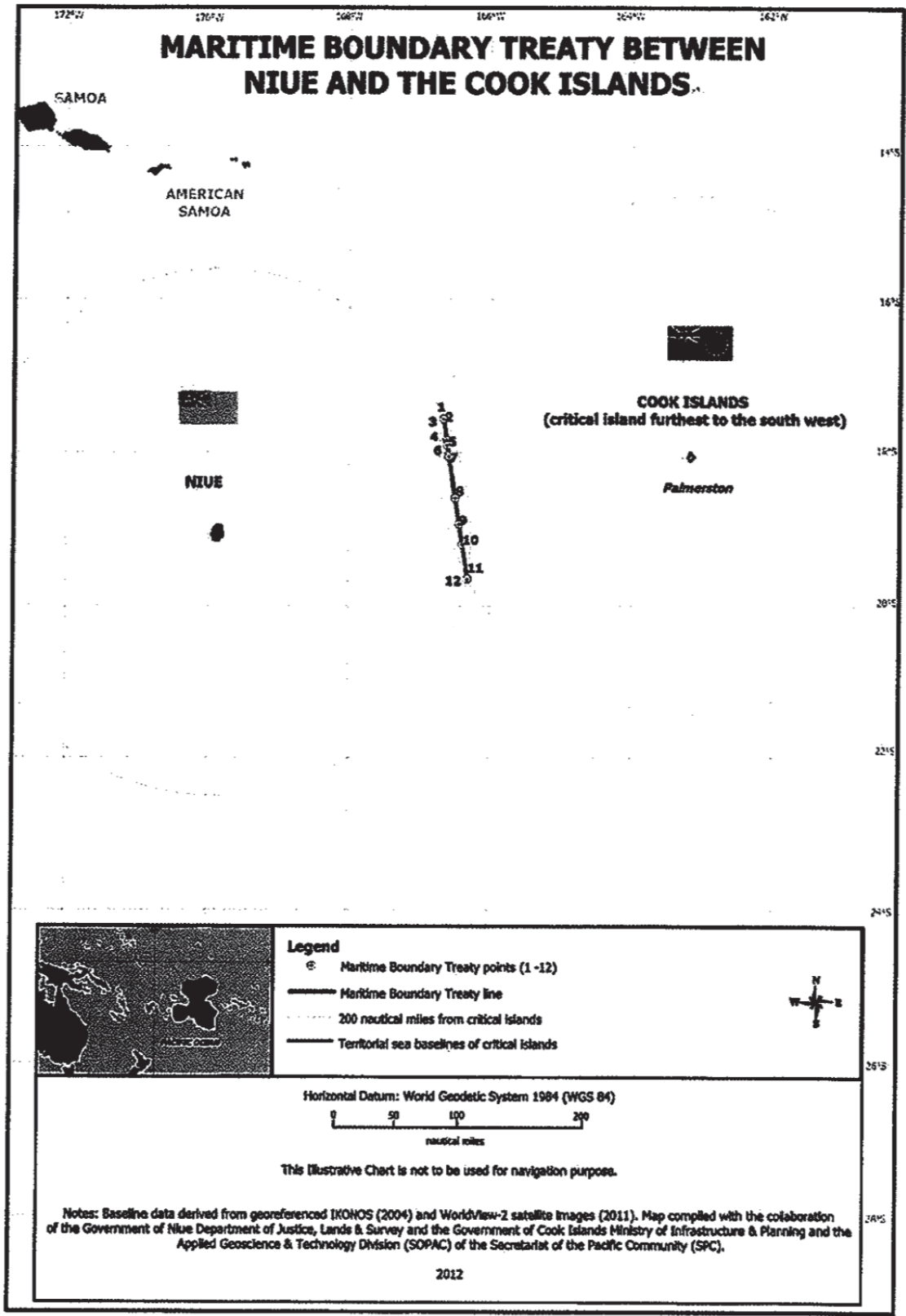
For the Government of Niue

Hon Toke Talagi

Premier



### Annex



2. *New Zealand and Cook Islands*

*Agreement between the Government of New Zealand  
and the Government of the Cook Islands concerning the delimitation of the  
maritime boundaries between Tokelau and the Cook Islands,  
Port Vila, 4 August 2010<sup>4</sup>*

The Government of New Zealand and the Government of the Cook Islands,  
Desirous of strengthening the bonds of neighbourliness and friendship between Tokelau and the Cook Islands,  
Recognising the need to effect a precise and equitable delimitation of the maritime boundaries between Tokelau and the Cook Islands,  
Recalling the rules and principles of relevant international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982,  
Have agreed as follows,

**Article 1**

The boundary between the maritime areas of Tokelau and the Cook Islands is a line of equidistance, determined by using the nearest baselines from which, in each case, the territorial sea is measured.

**Article 2**

2.1 The boundary between the maritime areas of Tokelau and the Cook Islands is the line formed by the geodesics joining the following geographical co-ordinates;

	Latitude (South)	Longitude (West)
1.	8° 15' 10"	168° 00' 10"
2.	8° 51' 50"	168° 10' 58"
3.	9° 48' 51"	168° 27' 52"
4.	10° 01' 26"	168° 31' 25"

2.2 The geographical co-ordinates referred to in paragraph 1 are based on the World Geodetic System (WGS 84) with the exception of the fourth point which is based on the World Geodetic System (WGS 72). The fourth point is a tripoint with the Cook Islands – United States of America (American Samoa) Treaty 1980 and the New Zealand (Tokelau) – United States of America (American Samoa) Treaty 1980 and in those treaties is based on the World Geodetic System (WGS 72). The equivalent statement of the tripoint in the World Geodetic System (WGS 84) is Latitude 10°01'25.858"S, Longitude 168°31'24.446"W.

2.3 This line is depicted for illustrative purposes on the chart annexed to this Agreement.

<sup>4</sup> Registered with the Secretariat of the United Nations by New Zealand on 12 November 2012. Registration No. I-50545. Entry into force: 12 November 2012.

### Article 3

If it becomes necessary to extend the line of delimitation referred to in Article 2 for the purpose of further delimiting areas of the continental shelf adjacent to Tokelau and the Cook Islands which are beyond both their respective exclusive economic zones, that line shall be extended by agreement in accordance with international law.

### Article 4

Each party shall notify the other in writing of the completion of the constitutional procedures required for the entry into force of this Agreement. The Agreement shall enter into force on the date of receipt of the later of these notifications.

In witness thereof, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement.

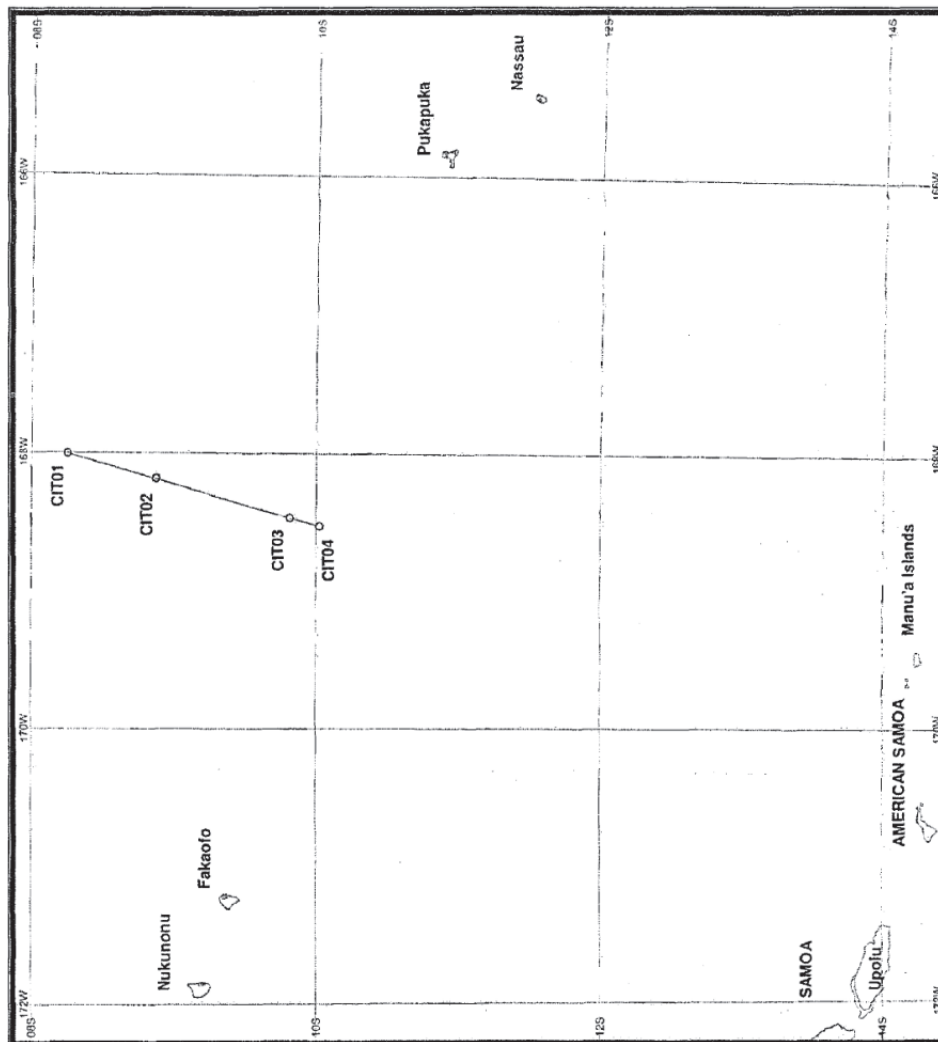
Done in duplicate at [...] on 4 August 2010, in the English and Tokelauan languages, of which the English text will be the authentic text.

*Signed*

For the Government of the New Zealand

*Signed*

For the Government of the Cook Islands



C. Multilateral Treaties*Convention on the Conservation and Management of High Seas Fishery Resources  
in the South Pacific Ocean, Auckland, 14 November 2009<sup>2</sup>*

<b>Participant</b>	<b>Ratification, Accession (a), Acceptance (A) and Approval (AA)</b>		
Australia	23 Mar	2012	
Belize	10 May	2011	a
Chile (with declarations)	25 Jul	2012	
Cook Islands	9 Feb	2011	
Cuba	9 Mar	2011	
Denmark (in respect of the Faroes)	21 Jul	2010	AA
European Union	18 Oct	2011	AA
New Zealand (in respect of: Tokelau Islands)	1 Jun	2011	
Republic of Korea	17 Apr	2012	
Russian Federation	17 May	2012	AA

**Note:** The texts of the declarations and reservations are published after the list of Parties

The Contracting Parties,

*Committed* to ensuring the long-term conservation and sustainable use of fishery resources in the South Pacific Ocean and in so doing safeguarding the marine ecosystems in which the resources occur;

*Recalling* relevant international law as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, 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 of 4 December 1995 and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and taking into account the Code of Conduct for Responsible Fisheries adopted by the Conference of the Food and Agriculture Organisation of the United Nations at its twenty eighth session on 31 October 1995;

*Recognising* that under international law reflected in the relevant provisions of the above agreements, States have a duty to cooperate with each other in the conservation and management of living resources in the areas of the high seas and, as appropriate, to cooperate to establish sub-regional or regional fisheries organisations or arrangements with a view to taking the measures necessary for the conservation of such resources;

*Taking into consideration* that, under international law reflected in the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, coastal States have waters under national jurisdiction within which they exercise their sovereign rights for the purpose of exploring, exploiting, conserving and managing fishery resources and conserving living marine resources upon which fishing has an impact;

*Recognising* economic and geographical considerations and the special requirements of developing States, in particular the least developed among them, and small island developing States, and territories and possessions, and their coastal communities, in relation to the conservation, management and sustainable development of fishery resources and equitable benefit from those resources;

<sup>2</sup> Registered with the Secretariat of the United Nations by New Zealand on 21 March 2013. Registration No. I-50553. Entry into force: 24 August 2012, in accordance with article 38.

*Noting* the need for regional fisheries management organisations and arrangements to undertake performance reviews in order to assess the degree to which they are attaining their respective conservation and management objectives;

*Determined* to cooperate effectively to eliminate illegal, unreported and unregulated fishing and the adverse impact that it has on the state of the world fishery resources and the ecosystems in which they occur;

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

*Mindful* that effective conservation and management measures must be based on the best scientific information available and the application of the precautionary approach and an ecosystem approach to fisheries management;

*Convinced* that the long-term conservation and sustainable use of fishery resources in the South Pacific Ocean and the protection of the marine ecosystems in which those resources occur may best be achieved by the conclusion of an international convention for that purpose;

*Have agreed as follows:*

## **Article 1 DEFINITIONS**

1. 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) '1995 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 of 4 December 1995;
- (c) 'Commission' means the Commission of the South Pacific Regional Fisheries Management Organisation established by Article 6;
- (d) 'Convention Area' means the Area to which this Convention applies in accordance with Article 5;
- (e) 'Code of Conduct' means the Code of Conduct for Responsible Fisheries adopted by the 28th session of the Conference of the Food and Agriculture Organisation of the United Nations (FAO) on 31 October 1995;
- (f) 'fishery resources' means all fish within the Convention Area, including: molluscs; crustaceans; and other living marine resources as may be decided by the Commission; but excluding:
  - (i) sedentary species in so far as they are subject to the national jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the 1982 Convention;
  - (ii) highly migratory species listed in Annex I of the 1982 Convention;
  - (iii) anadromous and catadromous species; and
  - (iv) marine mammals, marine reptiles and sea birds;
- (g) 'fishing' means:
  - (i) the actual or attempted searching for, catching, taking or harvesting of fishery resources;
  - (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fishery resources for any purpose;
  - (iii) transshipment and any operation at sea in support of, or in preparation for, any activity described in this definition; and
  - (iv) the use of any vessel, vehicle, aircraft or hovercraft, in relation to any activity described in this definition;

but does not include any operation related to emergencies involving the health or safety of crew members or the safety of a vessel;

- (h) ‘fishing vessel’ means any vessel used or intended for fishing, including fish processing vessels, support ships, carrier vessels and any other vessel directly engaged in fishing operations;
- (i) ‘flag State’ means, unless otherwise indicated:
  - (i) a State whose fishing vessels are entitled to fly its flag; or
  - (ii) a regional economic integration organisation in which fishing vessels are entitled to fly the flag of a member State of that regional economic integration organisation;
- (j) ‘IUU fishing’ means activities as referred to in paragraph 3 of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and other activities as may be decided by the Commission;
- (k) ‘nationals’ includes both natural and legal persons;
- (l) ‘port’ includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or re-supplying;
- (m) ‘regional economic integration organisation’ means a regional economic integration organisation 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;
- (n) ‘serious violation’ has the same meaning as that set out in Article 21 paragraph 11 of the 1995 Agreement and such other violations as may be specified by the Commission; and
- (o) ‘transshipment’ means the unloading of all or any of the fishery resources or fishery resource products derived from fishing in the Convention Area on board a fishing vessel to another fishing vessel either at sea or in port.

2.

- (a) ‘Contracting Party’ means any State or regional economic integration organisation which has consented to be bound by this Convention and for which the Convention is in force.
- (b) This Convention applies, *mutatis mutandis*, to any entity referred to in Article 305, paragraph 1 (c), (d) and (e), of the 1982 Convention which becomes a party to this Convention, and to that extent “Contracting Party” refers to any such entity.

## **Article 2 OBJECTIVE**

The objective of this Convention is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of fishery resources and, in so doing, to safeguard the marine ecosystems in which these resources occur.

## **Article 3 CONSERVATION AND MANAGEMENT PRINCIPLES AND APPROACHES**

1. In giving effect to the objective of this Convention and carrying out decision making under this Convention, the Contracting Parties, the Commission and subsidiary bodies established under Article 6 paragraph 2 and Article 9 paragraph 1 shall:

- (a) apply, in particular, the following principles:
  - (i) conservation and management of fishery resources shall be conducted in a transparent, accountable and inclusive manner, taking into account best international practices;
  - (ii) fishing shall be commensurate with the sustainable use of fishery resources taking into account the impacts on non-target and associated or dependent species and the general obligation to protect and preserve the marine environment;
  - (iii) overfishing and excess fishing capacity shall be prevented or eliminated;

- (iv) full and accurate data on fishing, including information relating to impacts on the marine ecosystems in which fishery resources occur, shall be collected, verified, reported and shared in a timely and appropriate manner;
  - (v) decisions shall be based on the best scientific and technical information available and the advice of all relevant subsidiary bodies;
  - (vi) cooperation and coordination among Contracting Parties shall be promoted to ensure that conservation and management measures adopted by the Commission and conservation and management measures applied in respect of the same fishery resources in areas under national jurisdiction are compatible;
  - (vii) marine ecosystems shall be protected, in particular those ecosystems which have long recovery times following disturbance;
  - (viii) the interests of developing States, in particular the least developed among them and small island developing States, and of territories and possessions, and the needs of developing State coastal communities, shall be recognised;
  - (ix) effective compliance with conservation and management measures shall be ensured and sanctions for any violations shall be adequate in severity to discourage violations wherever they occur and in particular shall deprive offenders of the benefits accruing from their illegal activities; and
  - (x) pollution and waste originating from fishing vessels, discards, catch by lost or abandoned gear and impacts on other species and marine ecosystems shall be minimised; and
- (b) apply the precautionary approach and an ecosystem approach in accordance with paragraph 2.

2.

- (a) The precautionary approach as described in the 1995 Agreement and the Code of Conduct shall be applied widely to the conservation and management of fishery resources in order to protect those resources and to preserve the marine ecosystems in which they occur, and in particular the Contracting Parties, the Commission and subsidiary bodies shall:
- (i) be more cautious when information is uncertain, unreliable, or inadequate;
  - (ii) not use the absence of adequate scientific information as a reason for postponing or failing to take conservation and management measures; and
  - (iii) take account of best international practices regarding the application of the precautionary approach, including Annex II of the 1995 Agreement and the Code of Conduct.
- (b) An ecosystem approach shall be applied widely to the conservation and management of fishery resources through an integrated approach under which decisions in relation to the management of fishery resources are considered in the context of the functioning of the wider marine ecosystems in which they occur to ensure the long-term conservation and sustainable use of those resources and in so doing, safeguard those marine ecosystems.

#### **Article 4**

#### **COMPATIBILITY OF CONSERVATION AND MANAGEMENT MEASURES**

1. The Contracting Parties recognise the need to ensure compatibility of conservation and management measures established for fishery resources that are identified as straddling areas under the national jurisdiction of a coastal State Contracting Party and the adjacent high seas of the Convention Area and acknowledge their duty to cooperate to this end.

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of straddling fishery resources in their entirety. In developing compatible conservation and management measures for straddling fishery resources Contracting Parties shall:

- (a) take into account the biological unity and other biological characteristics of the fishery resources and the relationships between the distribution of the resources, the fishing activities for those resources and the geographical particularities of the region concerned, including the extent to which the fishery resources occur and are fished in areas under national jurisdiction;
- (b) take into account the respective dependence of the coastal States and the States fishing on the high seas on the fishery resources concerned; and
- (c) ensure that such measures do not result in harmful impact on the living marine resources as a whole in the Convention Area.

3. The Commission's initial conservation and management measures shall take due account of, and not undermine the effectiveness of, existing conservation and management measures established by relevant coastal State Contracting Parties in respect of areas under national jurisdiction and by Contracting Parties in respect of their flag vessels fishing in the adjacent high seas of the Convention Area.

#### **Article 5 AREA OF APPLICATION**

1. Except as otherwise provided, this Convention applies to waters of the Pacific Ocean beyond areas of national jurisdiction in accordance with international law:

- (a) east of a line extending south along the 120° meridian of east longitude from the outer limit of the national jurisdiction of Australia off the south coast of Western Australia to the intersection with the 55° parallel of south latitude; then due east along the 55° parallel of south latitude to the intersection with the 150° meridian of east longitude; then due south along the 150° meridian of east longitude to the intersection with the 60° parallel of south latitude;
- (b) north of a line extending east along the 60° parallel of south latitude from the 150° meridian of east longitude to the intersection with the 67° 16' meridian of west longitude;
- (c) west of a line extending north along the 67° 16' meridian of west longitude from the 60° parallel of south latitude to its intersection with the outer limit of the national jurisdiction of Chile then along the outer limits of the national jurisdictions of Chile, Peru, Ecuador and Colombia to the intersection with the 20° parallel of north latitude; and
- (d) south of a line extending west along the 20° parallel of north latitude (but not including the national jurisdiction of Ecuador (Galapagos Islands)) to the intersection with the 150° meridian of west longitude; then due north along the 150° meridian of west longitude to its intersection with 10° parallel of north latitude, then west along the 10° parallel of north latitude to its intersection with the outer limits of the national jurisdiction of the Marshall Islands, and then generally south and around the outer limits of the national jurisdictions of Pacific States and territories, New Zealand and Australia until it connects to the commencement of the line described in paragraph (a) above.

2. The Convention shall also apply to waters of the Pacific Ocean beyond areas of national jurisdiction bounded by the 10° parallel of north latitude and the 20° parallel of south latitude and by the 135° meridian of east longitude and the 150° meridian of west longitude.

3. Where for the purpose of this Convention it is necessary to determine the position on the surface of the earth of a point, line or area, that position shall be determined by reference to the International Terrestrial Reference System maintained by the International Earth Rotation Service, which for most practical purposes is equivalent to the World Geodetic System 1984 (WGS84).

4. Nothing in this Convention shall constitute recognition of the claims or positions of any of the Contracting Parties to this Convention concerning the legal status and extent of waters and zones claimed by any such Contracting Parties.

#### **Article 6 THE ORGANISATION**

1. The Contracting Parties hereby agree to establish, maintain and strengthen the South Pacific Regional Fisheries Management Organisation "the Organisation", which shall carry out its functions as set forth in this Convention in order to achieve the objective of this Convention.



2. The Organisation shall consist of:
- (a) a Commission;
  - (b) a Scientific Committee;
  - (c) a Compliance and Technical Committee;
  - (d) an Eastern Sub-regional Management Committee;
  - (e) a Western Sub-regional Management Committee;
  - (f) a Finance and Administration Committee;
  - (g) a Secretariat,
- and any other subsidiary bodies that the Commission may, from time to time, establish in accordance with Article 9 paragraph 1 to assist it in its work.
3. The Organisation shall have legal personality in accordance with international law and shall enjoy in its relations with other international organisations and in the territories of the Contracting Parties such legal capacity as may be necessary to perform its functions and achieve the objective of this Convention. The immunities and privileges which the Organisation and its officers shall enjoy in the territory of a Contracting Party shall be subject to an agreement between the Organisation and the Contracting Party including, in particular, an agreement between the Organisation and the Contracting Party hosting the Secretariat.
4. The Secretariat of the Organisation shall be in New Zealand or at such other place as may be decided by the Commission.

#### **Article 7 THE COMMISSION**

1. Each Contracting Party shall be a member of the Commission and shall appoint one representative to the Commission who may be accompanied by alternative representatives, experts and advisers.
2. The Commission shall elect a Chairperson and a Vice-Chairperson from among the Contracting Parties, each of whom shall serve for a term of two years and shall be eligible for re-election but shall not serve for more than two terms in succession in the same capacity. The Chairperson and Vice-Chairperson shall be representatives of different Contracting Parties.
3. The first meeting of the Commission shall take place no later than 12 months following the entry into force of this Convention. Thereafter the Chairperson of the Commission shall convene an annual meeting, unless the Commission decides otherwise, at a time and location to be decided by the Commission. The Commission shall hold such other meetings as may be necessary to carry out its functions under this Convention.
4. The principle of cost effectiveness shall apply to the frequency, duration and scheduling of meetings of the Commission and its subsidiary bodies.

#### **Article 8 FUNCTIONS OF THE COMMISSION**

The Commission shall, in accordance with the objective, principles and approaches, and specific provisions of this Convention, exercise the following functions:

- (a) adopt conservation and management measures to achieve the objective of this Convention, including, as appropriate, conservation and management measures for particular fish stocks;
- (b) determine the nature and extent of participation in fishing for fishery resources including, as appropriate, for particular fish stocks;
- (c) develop rules for the collection, verification, reporting, storing and dissemination of data;
- (d) promote the conduct of scientific research to improve knowledge of fishery resources and marine ecosystems in the Convention Area and of the same fishery resources in adjacent waters under national jurisdiction, and, in collaboration with the Scientific Committee, establish procedures for the conduct of fishing for fishery resources for scientific purposes in the Convention Area;

- (e) cooperate and exchange data with members of the Commission and with relevant organisations, coastal States, territories and possessions;
- (f) promote compatibility of conservation and management measures in the Convention Area, adjacent areas under national jurisdiction and adjacent areas of high seas;
- (g) develop and establish effective monitoring, control, surveillance, compliance and enforcement procedures, including non-discriminatory market-related and trade-related measures;
- (h) develop processes in accordance with international law to assess flag State performance with respect to the implementation of their obligations under this Convention and adopt proposals, if appropriate, to promote implementation of such obligations;
- (i) adopt measures to prevent, deter and eliminate IUU fishing;
- (j) develop rules for cooperating non-Contracting Party status under this Convention;
- (k) review the effectiveness of the provisions of this Convention and the conservation and management measures adopted by the Commission in meeting the objective of this Convention;
- (l) supervise the organisational, administrative, financial and other internal affairs of the Organisation, including the relations among constituent bodies;
- (m) guide the Commission's subsidiary bodies in their work;
- (n) adopt by consensus the budget of the Organisation, the financial regulations of the Organisation and any amendments thereto, and its rules of procedure, which may include procedures for taking and recording decisions intersessionally;
- (o) adopt and amend as necessary any other regulations necessary for the exercise of its functions and those of its subsidiary bodies; and
- (p) exercise any other function and take any other decisions that may be necessary for achieving the objective of this Convention.

#### **Article 9 SUBSIDIARY BODIES**

1. The Commission may establish other subsidiary bodies, additional to the Scientific Committee, the Compliance and Technical Committee, the Eastern Sub-regional Management Committee, the Western Sub-regional Management Committee and the Finance and Administration Committee as may be required. Such additional subsidiary bodies may be established on a permanent or temporary basis taking into account cost implications.
2. In establishing such additional subsidiary bodies the Commission shall provide specific terms of reference and methods of work, provided always that such specific terms of reference are consistent with the objective and the conservation and management principles and approaches of this Convention and with the 1982 Convention and the 1995 Agreement. Such terms of reference and methods of work may be reviewed and amended as appropriate by the Commission from time to time.
3. All subsidiary bodies shall report, advise and make recommendations to the Commission and contribute to regular reviews of the effectiveness of conservation and management measures adopted by the Commission.
4. In carrying out their functions, all subsidiary bodies shall take into consideration the relevant work of other subsidiary bodies established by the Commission, and as appropriate the work of other fisheries management organisations and the work of other relevant technical and scientific bodies.
5. All subsidiary bodies may establish working groups. Subsidiary bodies may also seek external advice as required in accordance with any general or specific guidance provided by the Commission.
6. All subsidiary bodies shall operate under the rules of procedure of the Commission unless otherwise decided by the Commission.

**Article 10**  
**SCIENTIFIC COMMITTEE**

1. Each member of the Commission shall be entitled to appoint one representative to the Scientific Committee who may be accompanied by alternate representatives and advisers.
2. The functions of the Scientific Committee shall be to:
  - (a) plan, conduct and review scientific assessments of the status of fishery resources including, in cooperation with the relevant coastal State Contracting Party or Parties, fishery resources that straddle the Convention Area and areas under national jurisdiction;
  - (b) provide advice and recommendations to the Commission and its subsidiary bodies based on such assessments including, as appropriate:
    - (i) reference points, including precautionary reference points as described in Annex II of the 1995 Agreement;
    - (ii) management strategies or plans for fishery resources based on such reference points; and
    - (iii) analyses of conservation and management alternatives, such as the establishment of total allowable catch or total allowable fishing effort at different levels, that estimate the extent to which each alternative would achieve the objective or objectives of any management strategy or plan adopted, or under consideration, by the Commission;
  - (c) provide advice and recommendations to the Commission and its subsidiary bodies on the impact of fishing on the marine ecosystems in the Convention Area including advice and recommendations on the identification and distribution of vulnerable marine ecosystems, the likely impacts of fishing on such vulnerable marine ecosystems and measures to prevent significant adverse impacts on them;
  - (d) encourage and promote cooperation in scientific research in order to improve knowledge of the state of fishery resources and the marine ecosystems in the Convention Area including knowledge in relation to fishery resources straddling the Convention Area and areas under national jurisdiction; and
  - (e) provide such other scientific advice to the Commission and its subsidiary bodies as it considers appropriate, or as may be requested by the Commission.
3. The rules of procedure of the Commission shall provide that where the Scientific Committee is unable to provide its advice by consensus, it shall set out in its report the different views of its members. The reports of the Scientific Committee shall be made publicly available.
4. The Commission, taking into account any recommendations from the Scientific Committee, may engage the services of scientific experts to provide information and advice on the fishery resources and marine ecosystems in the Convention Area and any related matters that may be relevant to the Commission's consideration of conservation and management measures.
5. The Commission shall make appropriate arrangements for the periodic independent peer review of the Scientific Committee's reports, advice and recommendations.

**Article 11**  
**COMPLIANCE AND TECHNICAL COMMITTEE**

1. Each member of the Commission shall be entitled to appoint one representative to the Compliance and Technical Committee who may be accompanied by alternate representatives and advisers.
2. The functions of the Compliance and Technical Committee shall be to:
  - (a) monitor and review the implementation of, and compliance with, conservation and management measures adopted under this Convention and provide advice and recommendations to the Commission;

- (b) provide such other information, technical advice and recommendations as it considers appropriate or as may be requested by the Commission relating to the implementation of and compliance with the provisions of this Convention and the conservation and management measures adopted, or under consideration, by the Commission; and
- (c) review the implementation of cooperative measures for monitoring, control, and surveillance and enforcement adopted by the Commission and provide advice and recommendations to the Commission.

### **Article 12**

#### **EASTERN AND WESTERN SUB-REGIONAL MANAGEMENT COMMITTEES**

1. The Eastern and Western Sub-regional Management Committees shall, on their own initiative or at the request of the Commission, develop and make recommendations to the Commission on conservation and management measures, in accordance with Article 20, and on participation in fishing for fishery resources, in accordance with Article 21, for the parts of the Convention Area described in Annex I. Such recommendations shall be consistent with any measures of general application adopted by the Commission and shall require the consent of the coastal State Contracting Party or Parties concerned on the matters on which such consent is required under Article 20 paragraph 4 and Article 21 paragraph 2. Where appropriate the Committees shall make all efforts to coordinate their recommendations.
2. The Commission may by consensus amend Annex I at any time to adjust the geographic coordinates it contains. Such amendment shall take effect from the date of its adoption, or any other date specified in the amendment.
3. The Commission may decide to assign to one Sub-regional Management Committee primary responsibility for developing and making recommendations to the Commission in accordance with this Article for a specific fishery resource even if the range of that resource should extend beyond the part of the Convention Area for which that Committee has responsibilities in accordance with Annex I.
4. Each Committee shall develop its recommendations on the basis of the advice and recommendations of the Scientific Committee.
5.
  - (a) Members of the Commission situated adjacent to the part of the Convention Area for which a Committee has responsibility in accordance with this Article, or whose fishing vessels:
    - (i) are currently fishing in that area; or
    - (ii) have fished in that area within the past two years; or
    - (iii) are fishing for a specific fishery resource assigned to that Committee pursuant to paragraph 3, including in areas under national jurisdiction adjacent to the Convention Area
 shall be members of that Committee.
  - (b) Any member of the Commission that is not a member of a Committee pursuant to subparagraph (a) that gives notice to the Secretariat of an intention to fish within two years of the notice in the part of the Convention Area for which a Committee has responsibility in accordance with this Article, shall become a member of that Committee. If the notifying member of the Commission does not fish in that part of the Convention Area within two years of the notice, it shall cease to be a member of that Committee.
  - (c) Any member of the Commission that is not a member of a Committee pursuant to subparagraph (a) or (b) may send a representative to participate in the work of that Committee.
  - (d) For the purposes of this paragraph, "fishing" includes only the activities described in Article 1 paragraph 1 (g) (i) and (ii).
6. The Eastern and Western Sub-regional Management Committees shall make all efforts to adopt their recommendations to the Commission by consensus. If all efforts to reach agreement on a recommendation by consensus have been exhausted, recommendations shall be adopted by a two-thirds majority of the members of the

relevant Sub-regional Management Committee. Reports to the Commission may include majority and minority views.

7. The recommendations made in accordance with this Article will be the basis of conservation and management measures and decisions referred to in Articles 20 and 21, respectively, that shall be adopted by the Commission.

8. Any extraordinary costs incurred for the work of either of the Sub-regional Management Committees shall be borne by the members of the relevant Committee.

**Article 13**  
**FINANCE AND ADMINISTRATION COMMITTEE**

1. Each member of the Commission shall be entitled to appoint one representative to the Finance and Administration Committee who may be accompanied by alternate representatives and advisers.

2. The functions of the Finance and Administration Committee shall be to advise the Commission on the budget, on the time and place of meetings of the Commission, on publications of the Commission, on matters relating to the Executive Secretary and the staff of the Secretariat and on such other financial and administrative matters as may be referred to it by the Commission.

**Article 14**  
**SECRETARIAT**

1. The Secretariat shall perform the functions delegated to it by the Commission.

2. The chief administrative officer of the Secretariat shall be the Executive Secretary, who shall be appointed with the approval of the Contracting Parties on such terms as they may determine.

3. Any employees of the Secretariat shall be appointed by the Executive Secretary in accordance with such staff regulations as may be determined by the Commission.

4. The Executive Secretary shall ensure the effective functioning of the Secretariat.

5. 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 and more specifically the availability of services under contractual arrangement.

**Article 15**  
**BUDGET**

1. The Commission, at its first meeting, shall adopt a budget to fund the Commission and its subsidiary bodies, and shall also adopt financial regulations. All decisions on the budget and financial regulations, including decisions relating to the contributions of members of the Commission and the formula for calculating such contributions, shall be taken by consensus.

2. Each member of the Commission shall contribute to the budget. The amount of the annual contributions due from each member of the Commission shall be a combination of a variable fee based on its total catch of such fishery resources as may be specified by the Commission and a basic fee and shall take account of its economic status. For a member of the Commission whose only catch in the Convention Area is that of its territory or territories adjoining the Convention Area the economic status shall be that of the territory concerned. The Commission shall adopt and may amend a formula for the calculation of these contributions which shall be set out in the financial regulations of the Commission.

3. The Commission may request and accept financial contributions and other forms of assistance from organisations, individuals and other sources for purposes connected with the fulfilment of its functions.

4. The Executive Secretary shall submit a draft of the annual budget for the two succeeding financial years to each member of the Commission together with a schedule of contributions, not less than 60 days before the meeting of the Finance and Administration Committee where the Committee will adopt its recommendations to the Commission. In preparing the draft budget the Secretariat shall take full account of the need for cost effectiveness together with the guidance of the Commission as to the meetings of the subsidiary bodies that may be required in the budget year. Each annual meeting of the Commission shall adopt a budget for the succeeding financial year.

5. If the Commission is unable to adopt a 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.
6. Following the annual meeting of the Commission, the Executive Secretary shall notify each member of the Commission of its contribution due as calculated under the formula adopted by the Commission pursuant Commission shall pay its contribution to the Organisation.
7. Contributions shall be payable in the currency of the country in which the Secretariat of the Organisation is located, except if otherwise authorised by the Commission.
8. A Contracting Party that becomes party to this Convention during the course of a financial year shall contribute in respect of that financial year a part of the contribution calculated in accordance with the provisions of this Article that is proportionate to the number of complete months remaining in the year from the date that the Convention enters into force for that Party.
9. Unless otherwise decided by the Commission, a member of the Commission that is in arrears with its payment of any monies owed to the Organisation by more than two years shall not participate in the taking of any decisions by the Commission until it has paid all monies owed by it to the Commission.
10. The financial activities of the Organisation shall be conducted in accordance with financial regulations adopted by the Commission and shall be subject to an annual audit by independent auditors appointed by the Commission.

#### **Article 16 DECISION MAKING**

1. As a general rule, decisions by the Commission shall be taken by consensus. For the purpose 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 taken by consensus, if the Chairperson considers that all efforts to reach a decision by consensus have been exhausted:
  - (a) decisions of the Commission on questions of procedure shall be taken by a majority of the members of the Commission casting affirmative or negative votes; and
  - (b) decisions on questions of substance shall be taken by a three-fourths majority of the members of the Commission casting affirmative or negative votes.
3. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance.

#### **Article 17 IMPLEMENTATION OF COMMISSION DECISIONS**

1. Decisions on questions of substance adopted by the Commission shall become binding on the members of the Commission in the following manner:
  - (a) the Executive Secretary shall promptly notify each decision to all members of the Commission; and
  - (b) subject to paragraph 2, the decision shall become binding upon all members of the Commission 90 days after the date of transmittal specified in the notification pursuant to subparagraph (a) “the date of notification”.
2.
  - (a) Any member of the Commission may present to the Executive Secretary an objection to a decision within 60 days of the date of notification “the objection period”. In that event the decision shall not become binding on that member of the Commission to the extent of the objection, except in accordance with paragraph 3 and Annex II.
  - (b) A member of the Commission that presents an objection shall at the same time:

- (i) specify in detail the grounds for its objection;
  - (ii) adopt alternative measures that are equivalent in effect to the decision to which it has objected and have the same date of application; and
  - (iii) advise the Executive Secretary of the terms of such alternative measures.
- (c) The only admissible grounds for an objection are that the decision unjustifiably discriminates in form or in fact against the member of the Commission, or is inconsistent with the provisions of this Convention or other relevant international law as reflected in the 1982 Convention or the 1995 Agreement.
3. Any member of the Commission that has objected to a decision may at any time withdraw that objection. The decision shall then become binding on that member in accordance with paragraph 1(b) or on the date of the withdrawal of the objection whichever is the later.
4. The Executive Secretary shall promptly notify all members of the Commission of:
- (a) the receipt and withdrawal of each objection; and
  - (b) the grounds for that objection and the alternative measures adopted, or proposed to be adopted, pursuant to paragraph 2.
- 5.
- (a) When an objection is presented by a member of the Commission pursuant to paragraph 2, a Review Panel shall be established within 30 days after the end of the objection period. The Review Panel shall be established in accordance with the procedures in Annex II.
  - (b) The Executive Secretary shall promptly notify all members of the Commission of the establishment of the Review Panel.
  - (c) If two or more members of the Commission present objections based on the same grounds, those objections shall be dealt with by the same Review Panel, which shall have the membership specified in Annex II paragraph 2.
  - (d) If two or more members of the Commission present objections on different grounds, those objections may, with the consent of the members of the Commission concerned, be dealt with by the same Review Panel, which shall have the membership specified in Annex II paragraph 2. In the absence of such consent, objections on different grounds shall be dealt with by separate Review Panels.
  - (e) Within 45 days after its establishment, the Review Panel shall transmit to the Executive Secretary its findings and recommendations on whether the grounds specified for the objection presented by the member or members of the Commission are justified and whether the alternative measures adopted are equivalent in effect to the decision to which objection has been presented.
  - (f) The Executive Secretary shall promptly notify all members of the Commission of the findings and recommendations of the Review Panel. The findings and recommendations of the Review Panel shall be dealt with and have effect as set out in Annex II.
6. Nothing in this Article limits the right of a member of the Commission at any time to refer a dispute concerning the interpretation or application of this Convention for binding settlement in accordance with the provisions of this Convention relating to the settlement of disputes.

#### **Article 18** **TRANSPARENCY**

1. The Commission shall promote transparency in decision making processes and other activities carried out under this Convention.
2. All meetings of the Commission and its subsidiary bodies shall be open to all participants and observers registered in accordance with paragraph 4 unless otherwise decided by the Commission. The Commission shall

publish its reports and conservation and management measures when adopted and shall maintain a public record of all reports and conservation and management measures in force in the Convention Area.

3. The Commission shall promote transparency in the implementation of this Convention through the public dissemination of non-commercially sensitive information and, as appropriate, facilitating consultations with, and the participation of, non-governmental organisations, representatives of the fishing industry, particularly the fishing fleet, and other interested bodies and individuals.

4. Representatives of non-Contracting Parties, relevant intergovernmental organisations and non-governmental organisations, including environmental organisations and fishing industry organisations with an interest in matters pertaining to the Commission shall be afforded the opportunity to take part in the meetings of the Commission and of its subsidiary bodies, as observers or otherwise as appropriate. The rules of procedure of the Commission shall provide for such participation and shall not be unduly restrictive in this respect. The rules of procedure shall also provide for such representatives to have timely access to all relevant information.

#### **Article 19**

#### **RECOGNITION OF THE SPECIAL REQUIREMENTS OF DEVELOPING STATES**

1. The Commission shall give full recognition to the special requirements of developing State Contracting Parties in the region, in particular the least developed among them and small island developing States, and of territories and possessions in the region, in relation to the conservation and management of fishery resources in the Convention Area and the sustainable use of such resources.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for fishery resources covered by this Convention, the members of the Commission shall take into account the special requirements of developing State Contracting Parties in the region, in particular the least developed among them and small island developing States, and territories and possessions in the region, in particular:

- (a) the vulnerability of such developing States and territories and possessions which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or part thereof;
- (b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fish workers, as well as indigenous people in such 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 such developing State Contracting Parties, and territories and possessions.

3. The members of the Commission shall cooperate either directly or through the Commission and other regional or sub-regional organisations to:

- (a) enhance the ability of developing State Contracting Parties in the region, in particular the least developed among them and small island developing States, and of territories and possessions in the region, to conserve and manage fishery resources and to develop their own fisheries for such resources;
- (b) assist developing State Contracting Parties in the region, in particular the least developed among them and small island developing States, and territories and possessions in the region, to enable them to participate in fishing for fishery resources, including facilitating access to such fishery resources consistent with Article 3 and Article 21; and
- (c) facilitate the participation of developing State Contracting Parties in the region, in particular the least developed among them and small island developing States, and of territories and possessions in the region, in the work of the Commission and its subsidiary bodies.

4. Cooperation 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 fishery resources 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.

5. The Commission shall establish a fund to facilitate the effective participation of developing State Contracting Parties in the region, in particular the least developed among them and small island developing States, and, as appropriate, territories and possessions in the region, in the work of the Commission and its subsidiary bodies. The financial regulations of the Commission shall include guidelines for the administration of the fund and criteria for eligibility for assistance.

## **Article 20**

### **CONSERVATION AND MANAGEMENT MEASURES**

1. The conservation and management measures adopted by the Commission shall include measures to:
  - (a) ensure the long-term sustainability of fishery resources and promote the objective of their responsible utilisation;
  - (b) prevent or eliminate over fishing and excess fishing capacity to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;
  - (c) maintain or restore populations of non-target and associated or dependent species to above levels at which their reproduction may become seriously threatened; and
  - (d) protect the habitats and marine ecosystems in which fishery resources and non-target and associated or dependent species occur from the impacts of fishing, including measures to prevent significant adverse impacts on vulnerable marine ecosystems and precautionary measures where it cannot adequately be determined whether vulnerable marine ecosystems are present or whether fishing would cause significant adverse impacts on vulnerable marine ecosystems.
2. The specific conservation and management measures adopted by the Commission shall, as appropriate, include the determination of:
  - (a) reference points, including precautionary reference points as described in Annex II of the 1995 Agreement;
  - (b) the actions to be taken if those reference points are approached or exceeded;
  - (c) the nature and extent of fishing for any fishery resource including the establishment of a total allowable catch or total allowable fishing effort;
  - (d) the general or specific locations in which fishing may or may not occur;
  - (e) the periods in which fishing may or may not occur;
  - (f) the size limits in respect of the catch which may be retained; and
  - (g) the types of fishing gear, fishing technology, or fishing practices which may be used when fishing.
3. In determining a total allowable catch or total allowable fishing effort for any fishery resource under paragraph 2 (c), the Commission shall take into account the following factors:
  - (a) the status and stage of development of the fishery resource;
  - (b) fishing patterns of the fishery resource;
  - (c) catch of the same fishery resource within areas under national jurisdiction where relevant;
  - (d) an allowance for discards and any other incidental mortality;
  - (e) catch of non-target and associated or dependent species and impacts on the marine ecosystems in which the fishery resource occurs;

- (f) relevant ecological and biological factors limiting the nature of fishery resources that may be harvested;
- (g) relevant environmental factors, including trophic interactions which may have an effect upon the fishery resource and non-target and associated or dependent species; and
- (h) as appropriate, relevant conservation and management measures adopted by other intergovernmental organisations.

The Commission shall regularly review the total allowable catch or total allowable fishing effort established for any fishery resource.

4.

- (a) For a fishery resource that straddles the Convention Area and an area under the national jurisdiction of a coastal State Contracting Party or Parties:
  - (i) the Commission shall establish a total allowable catch or total allowable fishing effort and other conservation and management measures, as appropriate, for the Convention Area. The Commission and the coastal State Contracting Party or Parties concerned shall cooperate in the coordination of their respective conservation and management measures in accordance with Article 4 of this Convention;
  - (ii) with the express consent of the coastal State Contracting Party or Parties concerned, the Commission may establish, in accordance with Annex III of this Convention, and as appropriate, a total allowable catch or total allowable fishing effort that will apply throughout the range of the fishery resource; and
  - (iii) in the case where one or more of the coastal State Contracting Parties does not consent to a total allowable catch or total allowable fishing effort that will apply throughout the range of the fishery resource, the Commission may establish, as appropriate, a total allowable catch or total allowable fishing effort that will apply in the areas of national jurisdiction of the consenting coastal State Contracting Party or Parties and the Convention Area. Annex III will apply, *mutatis mutandis*, to the establishment of this total allowable catch or total allowable fishing effort by the Commission.
- (b) In cases covered by subparagraph (a) (ii) or (a) (iii), other complementary conservation and management measures may be adopted so as to ensure sustainable conservation and management of the fishery resource throughout its range. To give effect to this paragraph, such measures may be adopted, in accordance with the principles of compatibility outlined in Article 4, by the Commission for the high seas and the coastal State Contracting Party or Parties concerned for the areas under national jurisdiction; and by the Commission, with the consent of the coastal State Contracting Party or Parties concerned, for measures that will apply throughout the range of the fishery resource.
- (c) All conservation and management measures, including a total allowable catch or total allowable fishing effort, adopted by the Commission in accordance with subparagraphs (a) (ii), (a) (iii) and (b) are without prejudice to and do not affect the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing the living marine resources within areas under national jurisdiction in accordance with international law, as reflected in the relevant provisions of the 1982 Convention and the 1995 Agreement, and do not in any other respect affect the Area of application of this Convention established by Article 5.

5.

- (a) The Commission shall adopt measures to be applied on an emergency basis, in accordance with Article 16, including intersessionally, if necessary, where fishing presents a serious threat to the sustainability of fishery resources or the marine ecosystem in which these fishery resources occur or when a natural phenomenon or human caused disaster has, or is likely to have, a significant adverse impact on the status of fishery resources to ensure that fishing does not exacerbate such threat or adverse impact.

- (b) Measures taken on an emergency basis shall be based on the best scientific evidence available. Such measures shall be temporary and must be reconsidered for decision at the next meeting of the Commission following their adoption. The measures shall become binding on the members of the Commission in accordance with Article 17 paragraph 1. Such measures shall not be open to the objection procedure in Article 17 paragraph 2 but may be the subject of dispute settlement procedures under this Convention.

6. The conservation and management measures adopted by the Commission shall be progressively developed and integrated into management strategies or plans that set out the management objectives for each fishery resource, the reference points against which to measure progress in relation to those objectives, the indicators to be used in relation to those reference points and the measures to be taken in response to particular indicator levels.

### **Article 21 PARTICIPATION IN FISHING FOR FISHERY RESOURCES**

1. When taking decisions regarding participation in fishing for any fishery resource, including the allocation of a total allowable catch or total allowable fishing effort, the Commission shall take into account the status of the fishery resource and the existing level of fishing effort for that resource and the following criteria to the extent relevant:

- (a) historic catch and past and present fishing patterns and practices in the Convention Area;
- (b) compliance with the conservation and management measures under this Convention;
- (c) demonstrated capacity and willingness to exercise effective flag State control over fishing vessels;
- (d) contribution to the conservation and management of fishery resources, including the provision of accurate data and effective monitoring, control, surveillance and enforcement;
- (e) the fisheries development aspirations and interests of developing States in particular small island developing States and of territories and possessions in the region;
- (f) the interests of coastal States, and in particular developing coastal States and territories and possessions, in a fishery resource that straddles areas of national jurisdiction of such States, territories and possessions and the Convention Area;
- (g) the needs of coastal States and of territories and possessions whose economies are dependent mainly on the exploitation of and fishing for a fishery resource that straddles areas of national jurisdiction of such States, territories and possessions and the Convention Area;
- (h) the extent to which a member of the Commission is utilising the catch for domestic consumption and the importance of the catch to its food security;
- (i) contribution to the responsible development of new or exploratory fisheries in accordance with Article 22; and
- (j) contribution to the conduct of scientific research with respect to fishery resources and the public dissemination of the results of such research.

2. When the Commission establishes a total allowable catch or total allowable fishing effort for any fishery resource pursuant to Article 20 paragraph 4 (a) (ii) or (iii), it may, with the express consent of the coastal State Contracting Party or Parties concerned, also take decisions regarding participation in fishing for that resource throughout its relevant range.

3. In taking decisions under paragraph 2, the Commission shall take into account the historic catch and past and present fishing patterns and practices throughout the relevant range of the fishery resource concerned and the criteria listed in paragraph 1(b) – (j).

4. When the consent of the coastal State Contracting Party or Parties concerned is not provided pursuant to paragraph 2:

- (a) the Commission shall take decisions, in accordance with paragraph 1, regarding allocation of the portion of the total allowable catch or total allowable fishing effort established pursuant to Article 20 paragraph 4 (a) (i) that may be taken in the Convention Area; and

- (b) the Commission and the coastal State Contracting Party or Parties concerned shall cooperate in accordance with Article 4.

5. In taking decisions under this Article, the Commission may also have regard, as appropriate, to performance with respect to other international fisheries management regimes.

6. The Commission shall, when appropriate, review decisions regarding participation in fishing for fishery resources, including the allocation of a total allowable catch or total allowable fishing effort, taking into account the provisions of this Article and the interests of new Contracting Parties.

## **Article 22 NEW OR EXPLORATORY FISHERIES**

1. A fishery that has not been subject to fishing or has not been subject to fishing with a particular gear type or technique for ten years or more shall be opened as a fishery or opened to fishing with such gear type or technique only when the Commission has adopted cautious preliminary conservation and management measures in respect of that fishery, and, as appropriate, non-target and associated or dependent species, and appropriate measures to protect the marine ecosystem in which that fishery occurs from adverse impacts of fishing activities.

2. Such preliminary conservation and management measures, which may include requirements regarding notification of intention to fish, the establishment of a development plan, mitigation measures to prevent adverse impacts on marine ecosystems, use of particular fishing gear, the presence of observers, the collection of data, and the conduct of research or exploratory fishing, shall be consistent with the objective and the conservation and management principles and approaches of this Convention. The measures shall ensure that the new fishery resource is developed on a precautionary and gradual basis until sufficient information is acquired to enable the Commission to adopt appropriately detailed conservation and management measures.

3. The Commission may, from time to time, adopt standard minimum conservation and management measures that are to apply in respect of some or all new fisheries prior to the commencement of fishing for such new fisheries.

## **Article 23 DATA COLLECTION, COMPILATION AND EXCHANGE**

1. To enhance the information base for the conservation and management of fishery resources, non-target and associated or dependent species and the protection of the marine ecosystems in which those resources occur; and to contribute to the elimination or reduction of IUU fishing and its negative impact on those resources, the Commission shall, taking full account of Annex I of the 1995 Agreement, develop standards, rules and procedures for, *inter alia*:

- (a) the collection, verification and timely reporting to the Commission of all relevant data by members of the Commission;
- (b) the compilation and management by the Commission of accurate and complete data to facilitate effective stock assessment and ensure that the provision of the best scientific advice is enabled;
- (c) the security of, access to and dissemination of data while maintaining confidentiality where appropriate;
- (d) the exchange of data among members of the Commission, and with other regional fisheries management organisations, and other relevant organisations including data concerning vessels engaged in IUU fishing, and, as appropriate, concerning the beneficial ownership of such vessels, with a view to consolidating such information into a centralised format for dissemination as appropriate;
- (e) the facilitation of coordinated documentation and data sharing between regional fisheries management organisations, including procedures to exchange data on vessel registers, catch documentation and trade tracking schemes where applicable; and
- (f) regular audits of Commission member compliance with data collection and exchange requirements, and for addressing any non-compliance identified in such audits.

2. The Commission shall ensure that data are publicly available concerning the number of vessels operating in the Convention Area, the status of fishery resources managed under this Convention, fishery resource assessments, research programmes in the Convention Area, and cooperative initiatives with regional and global organisations.

#### **Article 24**

#### **OBLIGATIONS OF MEMBERS OF THE COMMISSION**

1. Each member of the Commission shall, in respect of its fishing activities within the Convention Area:
  - (a) implement this Convention and any conservation and management measures adopted by the Commission, and take all necessary measures to ensure their effectiveness;
  - (b) cooperate in furthering the objective of this Convention;
  - (c) take all necessary measures to support efforts to prevent, deter and eliminate IUU fishing; and
  - (d) collect, verify and report scientific, technical and statistical data pertaining to fishery resources and marine ecosystems in the Convention Area in conformity with the standards, rules and procedures established by the Commission.
2. Each member of the Commission shall report to the Commission on an annual basis indicating how it has implemented the conservation and management measures and compliance and enforcement procedures adopted by the Commission. In the case of coastal State Contracting Parties, the report shall include information regarding the conservation and management measures they have taken for straddling fishery resources occurring in waters under their jurisdiction adjacent to the Convention Area in accordance with Article 20 paragraph 4 and Article 4. Such reports shall be made publicly available.
3. Without prejudice to the primacy of the responsibility of the flag State, to the greatest extent possible, each member of the Commission shall take measures and cooperate to ensure compliance by its nationals, or fishing vessels owned, operated or controlled by its nationals, with the provisions of this Convention and any conservation and management measures adopted by the Commission, and immediately investigate any alleged violation of such provisions and measures. Members of the Commission shall provide reports on the progress of the investigation to the Commission and relevant members of the Commission at appropriate regular intervals, to the extent permitted by national law, as well as a final report on the outcome when the investigation is completed.
4. To the extent permitted by its national laws and regulations, each member of the Commission shall establish arrangements for making available to prosecuting authorities of other members of the Commission evidence related to alleged violations of the provisions of the Convention and any conservation and management measures adopted by the Commission, including information available on the beneficial ownership of vessels flying its flag.
5. Each member of the Commission shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights recognised in this Convention in a manner which would not constitute an abuse of right.

#### **Article 25**

#### **FLAG STATE DUTIES**

1. Each member of the Commission shall take all necessary measures to ensure that fishing vessels flying its flag:
  - (a) comply with the provisions of this Convention and the conservation and management measures adopted by the Commission and that such vessels do not engage in any activity which undermines the effectiveness of such measures when operating in the Convention Area;
  - (b) do not conduct unauthorised fishing within waters under national jurisdiction adjacent to the Convention Area;
  - (c) carry and operate equipment sufficient to comply with vessel monitoring system standards and procedures adopted by the Commission; and
  - (d) land or tranship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission.

2. No member of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing in the Convention Area unless it has been authorised to do so by the appropriate authority or authorities of that member of the Commission.

3. Each member of the Commission shall:

- (a) authorise the use of fishing vessels flying its flag for fishing in the Convention Area only where it is able to exercise effectively its responsibilities in respect of such vessels under this Convention and in accordance with international law;
- (b) maintain a register of fishing vessels entitled to fly its flag and authorised to fish for fishery resources, and ensure that, for all such vessels, such information as may be specified by the Commission is entered in that register;
- (c) in accordance with measures adopted by the Commission, investigate immediately and report fully on actions taken in response to 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. Reporting shall include reports on the progress of the investigation to the Commission at appropriate regular intervals, to the extent permitted by national law, as well as a final report on the outcome when the investigation is completed;
- (d) ensure that penalties applicable for such violations are of an appropriate severity, taking into account relevant factors including the value of the catch, to secure compliance, discourage further violations and deprive offenders of the benefits accruing from their illegal activities; and
- (e) ensure in particular 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 it has complied with all outstanding sanctions imposed by the member of the Commission in respect of the violation.

4. Each member of the Commission is encouraged to ensure that fishing vessels flying its flag operate in the Convention Area in accordance with applicable international obligations, and with regard to relevant recommendations and guidelines, regarding safety at sea for vessels and their crews.

5. Each member of the Commission shall ensure that fishing vessels flying its flag engaged in or intending to engage in research into fishery resources comply with any procedures established by the Commission for the conduct of scientific research in the Convention Area.

#### **Article 26 PORT STATE DUTIES**

1. A port State Contracting Party has the right and duty to take measures, in accordance with international law, to promote the effectiveness of sub-regional, regional and global conservation and management measures. When taking such measures, a port State Contracting Party shall not discriminate in form or in fact against the fishing vessels of any State.

2. Each member of the Commission shall:

- (a) give effect to conservation and management measures adopted by the Commission in relation to the entry and use of its ports by fishing vessels that have engaged in fishing in the Convention Area including, *inter alia*, with respect to landing and transshipment of fishery resources, inspection of fishing vessels, documents, catch and gear on board, and use of port services; and
- (b) provide assistance to flag States, as reasonably practical and in accordance with its national law and international law, when a fishing vessel is voluntarily in its ports and the flag State of the vessel requests it to provide assistance in ensuring compliance with the provisions of this Convention and with the conservation and management measures adopted by the Commission.

3. In the event that a member of the Commission considers that a fishing vessel making use of its ports has violated a provision of this Convention or a conservation and management measure adopted by the Commission, it shall notify the flag State concerned, the Commission and other relevant States and appropriate international

organisations. The member of the Commission shall provide the flag State and, as appropriate the Commission with full documentation on the matter, including any record of inspection.

4. Nothing in this Article affects the exercise by Contracting Parties of their sovereignty over ports in their territory in accordance with international law.

#### **Article 27 MONITORING, COMPLIANCE AND ENFORCEMENT**

1. The Commission shall establish appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and to ensure compliance with this Convention and the conservation and management measures adopted by the Commission including, *inter alia*:

- (a) the establishment and maintenance of a Commission record of vessels authorised to fish in the Convention Area, the marking of vessels and fishing gear, the recording of fishing activities, and the reporting of vessel movements and activities by a satellite vessel monitoring system that shall be designed to ensure the integrity and security of near real time transmissions, including through the possibility of direct and simultaneous transmissions, to the Commission and flag State;
- (b) an inspection programme for Contracting Parties, both at sea and in port, including procedures for Contracting Parties to board and inspect each others' vessels in the Convention Area, and procedures for notification of inspection vessels and aircraft of Contracting Parties that may participate in the programme;
- (c) regulation and supervision of transshipment;
- (d) non discriminatory market-related measures, consistent with international law, to monitor transshipment, landings, and trade to prevent, deter and eliminate IUU fishing including, where appropriate, catch documentation schemes;
- (e) reporting on violations detected, progress and outcomes of investigations, and enforcement actions taken; and
- (f) addressing IUU fishing activities, including by identifying vessels engaging in IUU fishing activities, and by adopting appropriate measures to prevent, deter and eliminate IUU fishing, such as the development of an IUU vessels list, so that owners and operators of vessels engaging in such activities are deprived of the benefits accruing from those activities.

2. The Commission may adopt procedures that enable measures, including trade-related measures in relation to fishery resources, to be applied by members of the Commission to any state, member of the Commission, or entity whose fishing vessels engage in fishing activities that diminish the effectiveness of, or otherwise fail to comply with, the conservation and management measures adopted by the Commission. Such measures should include a range of possible responses so that account can be taken of the reason for and degree of non-compliance and should include, as appropriate, cooperative capacity-building initiatives. Any implementation of trade-related measures by a member of the Commission shall be consistent with that member's international obligations, including its obligations under the Agreement establishing the World Trade Organisation.

3. If, within three years of the entry into force of this Convention, the Commission has not adopted at sea inspection procedures as outlined in paragraph 1 (b), or an alternative mechanism which effectively discharges the obligations of the members of the Commission under the 1995 Agreement and this Convention to ensure compliance with the conservation and management measures adopted by the Commission, Articles 21 and 22 of the 1995 Agreement shall apply among Contracting Parties as if those Articles were part of this Convention, and boarding and inspection of fishing vessels in the Area, as well as any subsequent enforcement action, shall be conducted in accordance with Articles 21 and 22 of the 1995 Agreement and such additional practical procedures as the Commission may decide are necessary for the implementation of those Articles.

#### **Article 28 OBSERVER PROGRAMME**

1. The Commission shall establish an observer programme, within three years of the entry into force of this Convention or such other period as the Commission may agree, to collect verified catch and effort data, other scientific data and additional information related to the fishing activity in the Convention Area, and its impacts on

the marine environment. Information collected by the observer programme shall, as appropriate, also be used to support the functions of the Commission and its subsidiary bodies, including the Compliance and Technical Committee. The observer programme shall be coordinated by the Secretariat of the Commission, and shall be organised in a flexible manner which takes into account the nature of the fishery resources and other relevant factors. In this regard, the Commission may enter into contracts for the provision of the observer programme.

2. The observer programme shall consist of independent and impartial observers that are sourced from programmes or service providers accredited by the Commission. The programme shall be coordinated, to the maximum extent possible, with other regional, sub-regional and national observer programmes.

3. The Commission shall develop the observer programme taking into account advice from the Scientific Committee and Compliance and Technical Committee. The programme shall be operated in accordance with standards, rules and procedures developed by the Commission including, *inter alia*:

- (a) arrangements for the placing of observers by a member of the Commission on vessels flying the flag of another member of the Commission with the consent of that member;
- (b) levels of coverage appropriate for different fishery resources to monitor and verify catch, effort, catch composition and other details of fishing operations;
- (c) requirements for collection, validation and reporting of scientific data and information relevant to the implementation of the provisions of this Convention and the conservation and management measures adopted by the Commission; and
- (d) requirements to ensure the safety and training of observers, for observer accommodation while on board the vessel, and to ensure observers have full access to and use of all relevant facilities and equipment on board the vessel in order to perform their duties effectively.

#### **Article 29**

#### **ANNUAL REPORT OF THE COMMISSION**

1. The Commission shall publish an annual report, which shall include details of decisions taken by the Commission to achieve the objective of this Convention. The report shall also provide information on actions taken by the Commission in response to any recommendations from the General Assembly of the United Nations or the FAO.

2. Copies of the report shall be publicly available and shall be provided to the Secretary-General of the United Nations and the Director-General of the FAO.

#### **Article 30**

#### **REVIEWS**

1. The Commission shall review the effectiveness of the conservation and management measures adopted by the Commission in meeting the objective of this Convention and the consistency of such measures with the principles and approaches in Article 3. Such reviews may include examination of the effectiveness of the provisions of the Convention itself and shall be undertaken at least every five years.

2. The Commission shall determine the terms of reference and methodology of such reviews which shall be carried out in accordance with criteria set by the Commission which shall be guided by best international practices and shall include contributions from the subsidiary bodies as appropriate and the participation of a person or persons of recognised competence who is independent of the Commission.

3. The Commission shall take account of the recommendations arising from any such review, including through the appropriate amendment of its conservation and management measures and the mechanisms for their implementation. Any proposals for amendment to the provisions of this Convention arising from any such review shall be dealt with in accordance with Article 35.

4. The results of any such review shall be made publicly available following its submission to the Commission.



**Article 31**  
**COOPERATION WITH OTHER ORGANISATIONS**

1. The Commission shall cooperate, as appropriate, with other regional fisheries management organisations, the FAO, with other specialised agencies of the United Nations, and with other relevant organisations on matters of mutual interest.
2. The Commission shall take account of the conservation and management measures or recommendations adopted by other regional fisheries management organisations and other relevant intergovernmental organisations that have competency in relation to the Convention Area, or in relation to areas adjacent to the Convention Area or in respect of particular living marine resources including non-target and associated or dependent species, and that have objectives that are consistent with, and supportive of, the objective of this Convention. It shall endeavour to ensure that its own decisions are compatible with, and supportive of, such conservation and management measures or recommendations.
3. The Commission shall seek to make suitable arrangements for consultation, cooperation and collaboration with such other organisations. In particular it shall seek to cooperate with other relevant organisations with the aim of reducing and eventually eliminating IUU fishing.

**Article 32**  
**NON-PARTIES**

1. Members of the Commission shall exchange information with respect to the activities of fishing vessels engaged in fishing in the Convention Area that are flying the flags of non-Contracting Parties to this Convention. Members of the Commission shall take measures, individually or collectively, consistent with this Convention and international law to deter activities of such vessels which undermine the effectiveness of conservation and management measures applicable in the Convention Area, and shall report to the Commission any action taken in response to fishing in the Convention Area by non-Contracting Parties.
2. Taking account of Articles 116 to 119 of the 1982 Convention, the members of the Commission, individually or collectively, may draw the attention of any State or fishing entity which is a non-Contracting Party to this Convention to any activity which in the opinion of the member or members of the Commission affects the implementation of the objective of this Convention.
3. Members of the Commission shall, individually or collectively, request non-Contracting Parties to this Convention whose vessels fish in the Convention Area to become party to this Convention or to agree to cooperate fully in the implementation of conservation and management measures adopted by the Commission.
4. Members of the Commission, individually or jointly, shall seek the cooperation of any non-Contracting Party that has been identified as a relevant port State or market State to ensure compliance with the objective of this Convention.

**Article 33**  
**RELATION TO OTHER AGREEMENTS**

1. Nothing in this Convention shall prejudice the rights, jurisdiction and duties of Contracting Parties under relevant provisions of international law as reflected in the 1982 Convention or the 1995 Agreement.
2. This Convention shall not alter the rights and obligations of Contracting Parties that arise from other agreements compatible with this Convention and that do not affect the enjoyment by other Contracting Parties of their rights or the performance of their obligations under this Convention.

**Article 34**  
**SETTLEMENT OF DISPUTES**

1. Contracting Parties shall cooperate in order to prevent disputes and shall use their best endeavours to resolve any disputes by amicable means which may include, where a dispute is of a technical nature, referring the dispute to an ad hoc expert panel.
2. In any case where a dispute is not resolved through the means set out in paragraph 1, the provisions relating to the settlement of disputes set out in Part VIII of the 1995 Agreement shall apply, *mutatis mutandis*, to any dispute between the Contracting Parties.

3. Paragraph 2 shall not affect the status of any Contracting Party in relation to the 1995 Agreement or the 1982 Convention.

### **Article 35 AMENDMENTS**

1. The text of proposed amendments must be provided to the Executive Secretary at least 90 days in advance of a Commission meeting. The Executive Secretary shall promptly circulate a copy of this text to all members of the Commission.

2. Such proposals for amendment to this Convention shall be adopted by the Commission by a three-fourths majority of the Contracting Parties present and casting affirmative or negative votes. Adopted amendments shall be transmitted by the Depositary to all Contracting Parties without delay.

3. An amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of written notification of approval by three-fourths of all Contracting Parties unless any other Contracting Party notifies the Depositary that it objects to the amendment within ninety days of the date of transmittal specified in the notification by the Depositary of such receipt, in which case the amendment shall not take effect for any Contracting Party. Any Contracting Party which has objected to an amendment may at any time withdraw that objection. If all objections to an amendment are withdrawn, the amendment shall take effect for all Contracting Parties one hundred and twenty days following the date of transmittal specified in the notification by the Depositary of receipt of the last withdrawal.

4. Any State, regional economic integration organisation, or other entity referred to in Article 1 paragraph 2 (b) that becomes a Contracting Party after the adoption of an amendment in accordance with paragraph 2 shall be deemed to be bound by the Convention as amended once that amendment has entered into force in accordance with paragraph 3.

5. The Depositary shall promptly notify all Contracting Parties of the receipt of notifications of approval of amendments, the receipt of notifications of objection or withdrawal of objections, and the entry into force of amendments.

### **Article 36 SIGNATURE, RATIFICATION, ACCEPTANCE AND APPROVAL**

1. This Convention shall be open for signature by:
  - (a) States, the regional economic integration organisation and the other entities referred to in Article 1, paragraph 2 (b), that participated in the International Consultations on the Establishment of the South Pacific Regional Fisheries Management Organisation; and
  - (b) any other State or any other entity referred to in Article 1, paragraph 2 (b), that has jurisdiction over waters adjacent to the Convention Area;

and shall remain open for signature for 12 months from the first day of February 2010.

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.

### **Article 37 ACCESSION**

1. This Convention shall be open for accession, after its closure for signature, by any State, regional economic integration organisation or other entity referred to in Article 36 paragraph 1, and by any other State or any other entity referred to in Article 1 paragraph 2 (b) having an interest in fishery resources.

2. Instruments of accession shall be deposited with the Depositary.

**Article 38**  
**ENTRY INTO FORCE**

1. This Convention shall enter into force 30 days after the date of receipt by the Depositary of the eighth instrument of ratification, accession, acceptance or approval, which shall include ratification, accession, acceptance or approval by:
  - (a) at least three coastal States adjacent to the Convention Area, which must include representation from both the side of the Convention Area that is east of Meridian 120° West and the side of the Convention Area that is west of Meridian 120° West; and
  - (b) at least three States that are not coastal States adjacent to the Convention Area and whose fishing vessels are fishing in the Convention Area or have fished in the Convention Area.
2. If within three years of its adoption, this Convention has not entered into force in accordance with paragraph 1, it shall enter into force six months after the deposit of the tenth instrument of ratification, accession, acceptance or approval, or in accordance with paragraph 1, whichever is the earlier.
3. For each signatory which ratifies, accepts or approves this Convention after its entry into force, this Convention shall enter into force for that signatory 30 days after the deposit of its instrument of ratification, acceptance or approval.
4. For each State or regional economic integration organisation which accedes to this Convention after its entry into force, this Convention shall enter into force for that State or regional economic integration organisation 30 days after the deposit of its instrument of accession.
5. For the purposes of this Article, “fishing” includes only the activities described in Article 1 paragraph 1 (g) (i) and (ii).

**Article 39**  
**THE DEPOSITARY**

1. The Government of New Zealand shall be the Depositary of this Convention and any amendments thereto. The Depositary shall transmit certified copies of this Convention to all signatories and shall register this Convention with the Secretary-General of the United Nations pursuant to Article 102 of the Charter of the United Nations.
2. The Depositary shall inform all signatories of and Contracting Parties to this Convention of signatures and of instruments of ratification, accession, acceptance or approval deposited under Article 36 or 37 and of the date of entry into force of the Convention and of any amendments thereto.

**Article 40**  
**PARTICIPATION BY TERRITORIES**

1. The Commission and its subsidiary bodies shall be open to participation, with the appropriate authorisation of the Contracting Party having responsibility for its international affairs, to territories in the region that have an interest in fishery resources.
2. The nature and extent of participation by territories 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. These rules of procedure shall provide territories with the right to participate fully in the work of the Commission and its subsidiary bodies, except for the right to vote or block consensus on decisions, advice or recommendations.
3. Notwithstanding paragraph 2, all such territories shall be entitled 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 41**  
**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 1 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 Contracting Party 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 Contracting Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

**Article 42**  
**TERMINATION**

This Convention shall be automatically terminated if and when, as the result of withdrawals, the number of Contracting Parties drops below 4.

**Article 43**  
**RESERVATIONS**

No reservations or exceptions may be made to this Convention.

**Article 44**  
**DECLARATIONS AND STATEMENTS**

Article 43 does not preclude a State, regional economic integration organisation or entity referred to in Article 1 paragraph 2 (b), when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonisation 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, regional economic integration organisation or entity.

**Article 45**  
**ANNEXES**

The Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Annexes relating thereto.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having been duly authorised by their respective Governments, have signed this Convention.

DONE at Auckland the fourteenth day of November, two thousand and nine, in a single original.

OPENED FOR SIGNATURE at Wellington this first day of February, two thousand and ten.

Australia:

Belize:

Canada:

Republic of Chile:

*Signed 23/02/2010*

People's Republic of China:

Republic of Colombia:

Cook Islands:

*Signed 03/02/2010*

Republic of Cuba:

Kingdom of Denmark in

respect of the Faroe Islands:

Republic of Ecuador:

European Union:

Republic of the Fiji Islands:

French Republic:

Republic of Indonesia:

Japan:

Republic of Kiribati:

Republic of Korea:

Federation of Malaysia:

Republic of the Marshall Islands:

Federated States of Micronesia:

Republic of Nauru:

New Zealand:

*Signed 01/02/2010*

*Signed 01/02/2010*

Niue:

Republic of Palau:

Republic of Panama:

Independent State of Papua New Guinea:

Republic of Peru:

Russian Federation:

Independent State of Samoa:

Solomon Islands:

Kingdom of Tonga:

Tuvalu:

Ukraine:

United Kingdom of Great Britain and

Northern Ireland in respect of Pitcairn,

Henderson, Ducie and Oeno Islands:

United States of America:

Republic of Vanuatu:

Bolivarian Republic of Venezuela:

### **Annex I**

#### **PARTS OF THE CONVENTION AREA FOR WHICH THE EASTERN AND WESTERN SUB-REGIONAL MANAGEMENT COMMITTEES HAVE RESPONSIBILITIES**

1. The Eastern Sub-regional Management Committee shall be responsible for developing and recommending to the Commission conservation and management measures for that part of the Convention Area that lies east of Meridian 120° West.
2. The Western Sub-regional Management Committee shall be responsible for developing and recommending to the Commission conservation and management measures for that part of the Convention Area that lies west of Meridian 120° West.

### **Annex II**

#### **REVIEW PANEL**

##### **Establishment**

1. A Review Panel to be established in accordance with Article 17 paragraph 5 shall be constituted as follows:
  - (a) It shall consist of three members appointed from the list of experts in the field of fisheries drawn up and maintained by the FAO pursuant to Annex VIII, Article 2 of the 1982 Convention or a similar list maintained by the Executive Secretary. The list maintained by the Executive Secretary shall be made up from experts whose competence in the legal, scientific or technical aspects of fisheries covered by this Convention is established and generally recognised and who enjoy the highest reputation for fairness and integrity. Each member of the Commission shall be entitled to nominate up to five experts and shall provide information on relevant qualifications and experience of each of its nominees.
  - (b) The Chairperson of the Commission and the member of the Commission that has presented objection to the decision shall each appoint one member. The name of the member appointed by the objecting member of the Commission shall be included in the notification of the objection to the Executive Secretary pursuant to Article 17 paragraph 2 (a). The name of the member appointed by the Chairperson of the Commission shall be notified to the objecting member of the Commission within 10 days of the expiry of the objection period.
  - (c) The third member shall be appointed within 20 days of the expiry of the objection period through agreement between the objecting member of the Commission and the Chairperson of the Commission and shall not be a national of the objecting member of the Commission. If there is no agreement within this time period on the appointment of the third member, the appointment shall be made by the Secretary General of the Permanent Court of Arbitration, unless it is agreed that the appointment be made by another person or third State.
  - (d) The Review Panel is considered to be established on the date that the third member is appointed, and this third member shall chair the Review Panel.
2. If more than one member of the Commission presents an objection to the decision on the same grounds, or where there is agreement pursuant to Article 17 paragraph 5 (d) that objections to the decision made on different grounds may be dealt with by the same Review Panel, the Review Panel shall consist of 5 members from the lists referred to in paragraph 1 (a) and shall be constituted as follows:
  - (a) One member shall be appointed, in accordance with paragraph 1 (b) by the member of the Commission that presented the first objection, two members shall be appointed by the Chairperson of the Commission within 10 days of the expiry of the objection period, one member shall be appointed by agreement between the subsequent objecting members of the Commission within 15 days of the expiry of the objection period and one member shall be appointed by agreement between all the objecting members of the Commission and the Chairperson of the Commission within 20 days of the expiry of the objection period. If within the latter two time periods as appropriate, agreement cannot be reached on either of the last two appointments, the appointment or appointments on which agreement has not been reached shall be made by the Secretary General

of the Permanent Court of Arbitration unless there is agreement that the appointment or appointments be made by another person or third State.

- (b) The Review Panel is considered to be established on the date that the final member is appointed. The Review Panel shall be chaired by the member appointed by agreement between all the objecting members of the Commission and the Chairperson of the Commission in accordance with subparagraph (a).

3. Any vacancy on a Review Panel shall be filled in the manner described for the initial appointment.

#### **Functioning**

4. The Review Panel shall determine its own rules of procedure.

5. A hearing shall be convened at a place and on a date to be determined by the Review Panel within 30 days following its establishment.

6. Any member of the Commission may submit a memorandum to the Review Panel concerning the objection under review and the Panel shall allow any such member of the Commission 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 objecting member of the Commission, or if there is more than one objecting member of the Commission, divided equally amongst them; and
- (b) 30 per cent shall be borne by the Commission from its annual budget.

8. The findings and recommendations of the Review Panel shall be adopted by a majority of its members. Any member of the Panel may attach a separate or dissenting opinion. Any decisions on the procedure of the Review Panel shall also be taken by a majority of its members.

9. The Review Panel shall, within 45 days of its establishment, transmit its findings and recommendations to the Executive Secretary in accordance with Article 17 paragraph 5.

#### **Findings and Recommendations**

10. The findings and recommendations of the Review Panel shall be dealt with as follows:

##### *Findings of Discrimination*

- (a) If the Review Panel finds that the decision to which objection has been presented discriminates in form or in fact against the objecting member or members of the Commission and the alternative measures have equivalent effect to the decision to which objection has been presented, the alternative measures shall be deemed to be equivalent to the decision and to be binding on the relevant member or members of the Commission in substitution for the decision.
- (b) Subject to subparagraphs (d) and (e), if the Review Panel finds that the decision to which objection has been presented discriminates in form or in fact against the objecting member or members of the Commission and the alternative measures are equivalent in effect to the decision to which objection has been presented, subject to specific modifications, the Review Panel will recommend such modifications. On receipt of the findings and recommendations of the Review Panel the objecting member or members of the Commission shall, within 60 days, modify the relevant alternative measures as recommended by the Review Panel or institute dispute settlement proceedings under this Convention. The alternative measures shall be deemed to be equivalent to the decision to which an objection has been presented when they are modified as recommended by the Review Panel. Such alternative measures shall then be binding on the relevant member or members of the Commission in the modified form in substitution for the decision. If the objecting member or members of the Commission choose to institute dispute settlement proceedings under this Convention then neither the decision nor the modified alternative measures shall be binding on the objecting member or members of the Commission pending decisions made in those proceedings.

- (c) Subject to subparagraphs (d) and (e), if the Review Panel finds that the decision to which objection has been presented unjustifiably discriminates in form or in fact against the objecting member or members of the Commission but the alternative measures do not have equivalent effect to the decision to which objection has been presented the objecting member or members of the Commission shall, within 60 days, adopt measures recommended by the Review Panel as equivalent in effect to the decision to which objection has been presented or institute dispute settlement proceedings under this Convention. If the objecting member or members of the Commission adopt the measures recommended by the Review Panel these measures shall be deemed to be binding on the objecting member or members of the Commission in substitution for the decision. If the objecting member or members of the Commission choose to institute dispute settlement proceedings under this Convention then neither the decision nor any measures recommended by the Review Panel shall be binding on the objecting member or members of the Commission pending decisions made in those proceedings.
- (d) Where the Review Panel makes findings and recommendations under subparagraphs (b) or (c) the objecting member or members of the Commission may within 30 days from the date of the transmittal of the notification of those findings and recommendations request an extraordinary meeting of the Commission. The Extraordinary Meeting shall be convened by the Chairperson within 45 days of the receipt of any such request.
- (e) If the Extraordinary Meeting convened under subparagraph (d) confirms or modifies the recommendations of the Review Panel, the 60 day period under subparagraphs (b) or (c) as appropriate, for the implementation of those findings and recommendations in original or modified form or the institution of dispute settlement proceedings, shall run from the date of the transmittal of the decision of the Extraordinary Meeting. If the Extraordinary Meeting of the Commission decides not to confirm or modify the recommendations of the Review Panel but to revoke the decision to which objection was presented and replace it with a new decision or a modified version of the original decision, the new or modified decision shall become binding on the members of the Commission in accordance with Article 17.

*Findings of Inconsistency*

- (f) If the Review Panel finds that the decision to which objection has been presented is inconsistent with this Convention, or with relevant international law as reflected in the 1982 Convention or the 1995 Agreement, an Extraordinary Meeting of the Commission shall be convened by the Chairperson within 45 days of the notification of the Review Panel's findings and recommendations to reconsider the decision in the light of those findings and recommendations.
- (g) If the Extraordinary Meeting of the Commission revokes the decision to which objection has been presented and replaces it with a new decision, or a modified version of the previous decision, the new or modified decision shall become binding on the members of the Commission in accordance with Article 17.
- (h) If the Extraordinary Meeting of the Commission confirms its original decision, the objecting member or members of the Commission shall, within 45 days, implement the decision or institute dispute settlement proceedings under this Convention. If the objecting member or members of the Commission choose to institute dispute settlement proceedings under this Convention, the decision shall not be binding on the objecting member or members of the Commission pending decisions made in those proceedings.

*Findings of Non-justification of Objection*

- (i) If the Review Panel finds that the decision to which objection has been presented does not discriminate in form or in fact against the objecting member or members of the Commission and is not inconsistent with this Convention or with relevant international law as reflected in the 1982 Convention or the 1995 Agreement, the objecting member or members of the Commission shall, subject to subparagraph (j), within 45 days implement the decision or institute dispute settlement proceedings under this Convention. If the objecting member or members of the Commission choose to institute dispute settlement proceedings under this Convention the decision shall not be



binding on the objecting member or members of the Commission pending decisions made in those proceedings.

- (j) If the Review Panel finds that the decision to which objection has been presented does not discriminate in form or in fact against the objecting member or members of the Commission and is not inconsistent with this Convention or with relevant international law as reflected in the 1982 Convention or the 1995 Agreement but that the alternative measures are equivalent in effect to the decision and should be accepted as such by the Commission, the alternative measures shall be binding on the objecting member or members of the Commission in substitution for the decision pending confirmation of their acceptance by the Commission at its next meeting.

### **Annex III**

#### **PROCEDURES FOR THE ESTABLISHMENT AND IMPLEMENTATION OF A TOTAL ALLOWABLE CATCH OR TOTAL ALLOWABLE FISHING EFFORT FOR A STRADDLING FISHERY RESOURCE WHEN APPLIED THROUGHOUT ITS RANGE**

1. In accordance with Articles 23 and 24, coastal State Contracting Parties and members of the Commission whose vessels fish for the straddling fishery resource in areas under national jurisdiction or on the high seas in the adjacent Convention Area shall provide all relevant scientific, technical and statistical data with respect to such fishery resources to the Commission for consideration by the Scientific Committee and, as appropriate, the Compliance and Technical Committee.
2. In accordance with Article 10, the Scientific Committee shall assess the status of the straddling fishery resource throughout its range and provide advice to the Commission and the relevant Sub-regional Management Committee on an appropriate total allowable catch or total allowable fishing effort for the resource throughout its range. Such advice should include where possible estimates of the extent to which the establishment of a total allowable catch or a total allowable fishing effort at different levels would achieve the objective or objectives of any management strategy or plan adopted by the Commission.
3. In accordance with Article 12, and on the basis of the advice of the Scientific Committee and any relevant advice of the Compliance and Technical Committee, the relevant Sub-regional Management Committee shall make recommendations to the Commission on a total allowable catch or total allowable fishing effort for the fishery resource throughout its range and appropriate measures to ensure the total allowable catch or total allowable fishing effort is not exceeded.
4. In accordance with Articles 16 and 20, the Commission, on the basis of the recommendations and advice from the Scientific Committee and the relevant Sub-regional Management Committee and any relevant advice of the Compliance and Technical Committee, shall establish a total allowable catch or total allowable fishing effort for the fishery resource throughout its range and adopt appropriate measures to ensure that the total allowable catch or total allowable fishing effort is not exceeded.
5. In relation to the conservation and management of *Trachurus murphyi* (jack mackerel), the Commission shall, in accordance with Article 20, and as appropriate, give primary consideration to establishing a total allowable catch, without prejudice to any other conservation and management measures which it considers appropriate to adopt to ensure the conservation and sustainable use of this fishery resource.

### **Annex IV**

#### **FISHING ENTITIES**

1. After the entry into force of this Convention, any fishing entity whose vessels have fished or intend to fish for fishery resources may, by a written instrument delivered to the Depositary, express its firm commitment to abide by the terms of this Convention and comply with any conservation and management measures adopted pursuant to it. Such commitment shall become effective 30 days from the date of receipt of the instrument. Any such fishing entity may withdraw such commitment by written notification addressed to the Depositary. The withdrawal shall become effective 1 year after the date of its receipt, unless the notification specifies a later date.
2. Any fishing entity referred to in paragraph 1 above may by a written instrument delivered to the Depositary, express its firm commitment to abide by the terms of the Convention as it may be amended pursuant to

Article 35(3). This commitment shall be effective from the dates referred to in Article 35(3) or on the date of receipt of the written communication referred to in this paragraph, whichever is later.

3. A fishing entity which has expressed its firm commitment to abide by the terms of this Convention and comply with conservation and management measures adopted pursuant to it in accordance with paragraph 1 must abide by the obligations of members of the Commission, and may participate in the work, including decision making, of the Commission in accordance with the provisions of this Convention. For the purposes of this Convention, references to the Commission or members of the Commission include such fishing entity.

4. If a dispute involves a fishing entity which has expressed its commitment to be bound by the terms of this Convention in accordance with this Annex and cannot be settled by amicable means, the dispute shall, at the request of any party to the dispute, be submitted to final and binding arbitration in accordance with the relevant rules of the Permanent Court of Arbitration.

5. The provisions of this Annex relating to the participation of a fishing entity are only for the purposes of this Convention.

## III. COMMUNICATIONS BY STATES

1. Colombia

*Note verbale dated 29 April 2013 from the Permanent Mission of Colombia to the United Nations addressed to the Secretary-General<sup>1</sup>*

The Permanent Mission of Colombia to the United Nations presents its compliments to the Secretary-General and has the honour to transmit herewith the diplomatic note dated 22 April 2013 from the Minister for Foreign Affairs, María Ángela Holguín Cuellar, addressed to the Secretary-General of the United Nations, Ban Ki-moon, by means of which the Government of Colombia makes a declaration concerning its continental shelf with the terms and conditions indicated therein (see annex).

In that regard, the Permanent Mission of Colombia to the United Nations would be grateful if the present note could be circulated as a document of the sixty-seventh session of the General Assembly under agenda item 75 (a) entitled "Oceans and the law of the sea". Upon instructions from its Government, the Permanent Mission also requests that this note be sent to all relevant organs, bodies and entities of the United Nations, be posted on the website of the Division for Ocean Affairs and the Law of the Sea and be included in the next Law of the Sea Bulletin.

**Annex to the note verbale dated 29 April 2013 from the Permanent Mission of Colombia to the United Nations addressed to the Secretary-General**

S-DM-13-014681

Bogotá, 22 April 2013

Under customary international law, the Republic of Colombia exercises, *ipso facto etab initio* and by virtue of its sovereignty over its land, sovereign rights over its continental shelf in the Caribbean Sea and in the Pacific Ocean. In accordance with customary international law, the Republic of Colombia's continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance. Also in accordance with customary international law, the Republic of Colombia's islands, regardless of their size, enjoy the same maritime rights as the country's other land territory.

The Republic of Colombia shall never accept that its enjoyment and exercise of these sovereign rights in any way has been or can be affected by a unilateral act or omission of another State. Any attempt to affect those rights, including but not limited to the submission of preliminary or definitive documentation to the Commission on the Limits of the Continental Shelf, shall be (or should be deemed to be) objected to by the Republic of Colombia. The Republic of Colombia shall take all steps required to ensure its continued enjoyment and exercise of these sovereign rights, consistent with international law.

I request that the present statement be circulated to all members of the United Nations and to all relevant organs, bodies and entities of the United Nations, be posted on the website of the Division for Ocean Affairs and the Law of the Sea and be included in the next Law of the Sea Bulletin.

(Signed) María Ángela Holguín Cuellar

<sup>1</sup> A/67/852.

## 2. Benin and Cameroon

*Identical letters dated 31 July 2013 from the Permanent Representatives of Benin and Cameroon to the United Nations addressed to the Secretary-General and the President of the Security Council<sup>2</sup>*

We have the honour to inform you of the following:

As part of their efforts to combat the piracy and armed robbery at sea plaguing their countries, the Gulf of Guinea Heads of State and Government decided to convene a regional summit in order to establish an integrated framework to combat this scourge, which is threatening stability and having a negative impact on transport and international maritime trade as well as on the economic development of the coastal and landlocked countries of the region.

The Summit of Heads of State and Government of the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Commission of the Gulf of Guinea (CGG), which the Security Council, in its press statement of 30 August 2011 (SC/10372) and its resolutions [2018 \(2011\)](#) and [2039 \(2012\)](#), had encouraged the States concerned to convene, was held in Yaoundé, Cameroon, on 24 and 25 June 2013.

The Yaoundé Summit adopted four key strategic documents which are available at: [http://www.grosfichiers.ch/index.php?option=com\\_grosfichiers&cid=h161ij9513egtcbgdciojb5th1&task=resultat%20\9620\\_blank](http://www.grosfichiers.ch/index.php?option=com_grosfichiers&cid=h161ij9513egtcbgdciojb5th1&task=resultat%20\9620_blank).

These documents are:

- Code of conduct relating to the prevention and suppression of acts of piracy, armed robbery at sea against ships and illicit maritime activities in West and Central Africa
- Memorandum of understanding between ECCAS, ECOWAS and CGG on safety and security in the maritime space of West and Central Africa
- Political declaration of the Heads of State and Government
- Final communiqué of the summit

The States of the Gulf of Guinea would be very grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 63, and of the Security Council.

Furthermore, the States of the Gulf of Guinea would greatly appreciate the Security Council taking note of the Summit outcomes by adopting a new resolution in which it would do the following, among other things:

- (a) Invite the Secretary-General of the United Nations to take the necessary measures to support the implementation of these regional Summit outcomes and to coordinate efforts aimed at mobilizing the resources required to strengthen national and regional capacities in order to effectively combat this scourge;
- (b) Invite international partners to provide support to the States and organizations of the region, particularly ECOWAS, ECCAS and CGG, at their request, so as to enable them to strengthen their capacity to combat piracy and armed robbery at sea.

The States members of ECOWAS, ECCAS and CGG trust that they can count on the Security Council's customary concern for creating the legal conditions necessary to mobilize international assistance in order to help the relevant States and organizations mount sustained efforts to combat this threat against regional and international peace and security.

<sup>2</sup> A/67/961-S/2013/456.

*(Signed)* Jean-Francis R. **Zinsou**  
Ambassador  
Permanent Representative of Benin to the United Nations

*(Signed)* Michel **Tommo Monthe**  
Ambassador  
Permanent Representative of Cameroon to the United Nations

IV. OTHER INFORMATION RELEVANT TO THE LAW OF THE SEA

A. Relevant Documents of the Security Council of the United Nations

*Statement by the President of the Security Council<sup>1</sup>*

At the 6865th meeting of the Security Council, held on 19 November 2012, in connection with the Council's consideration of the item entitled "Maintenance of international peace and security", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council reaffirms its primary responsibility for the maintenance of international peace and security, in accordance with the Charter of the United Nations, and recognizes the primary responsibility of States in the eradication of piracy.

"The Security Council continues to be gravely concerned by the threat that piracy and armed robbery at sea pose to international navigation, the safety of commercial maritime routes, and the security and economic development of States in the regions concerned, as well as to the safety and welfare of seafarers and other persons, including through their being taken as hostages, and the increasing violence employed by pirates and persons involved in piracy and armed robbery at sea. The Security Council condemns in the strongest terms hostage taking and the use of violence against hostages, and calls upon States to also cooperate, as appropriate, to secure the early release of hostages, including through sharing of information and intelligence.

"The Security Council reaffirms its respect for the sovereignty, territorial integrity, and political independence of States concerned.

"The Security Council stresses the need for a comprehensive response by the international community to repress piracy and tackle its underlying causes for a durable eradication of piracy and armed robbery at sea and illegal activities connected therewith.

"The Security Council invites all States, the International Maritime Organization, the International Labour Organization and other relevant international organizations and agencies to adopt or recommend, as appropriate, measures to prevent hijackings, measures to protect the interest and welfare of seafarers who are victims of pirates, both during their captivity through the provision of medical and other humanitarian assistance, as well as after their release from captivity, including their post-incident care and reintegration into society, and in this regard takes note of the proposals for a hostage support program developed by the United Nations — UNPOS and UNODC.

"The Security Council reaffirms that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, in particular its articles 100 to 107, sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities and calls upon States to take appropriate steps under their national law to facilitate, in accordance with international law, the apprehension and prosecution of those who are alleged to have committed acts of piracy, including the financing or facilitation of such acts, also taking into account other relevant international instruments consistent with the Convention.

"The Security Council reiterates its call upon States, particularly concerned States, to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of convicted pirates and their facilitators and financiers ashore, consistent with applicable international law including international human rights law.

"The Security Council urges States and international organizations, as well as the private sector to share evidence, information and intelligence, as appropriate, for anti-piracy law

<sup>1</sup> S/PRST/2012/24.

enforcement purposes, including for ensuring effective prosecution of suspected, and imprisonment of convicted, pirates, and encourages existing and future initiatives in this regard.

“The Security Council welcomes the fact that effective counter-piracy measures through increased national, bilateral and multilateral initiatives as well as regional cooperative mechanisms have led to a substantial reduction in the number of successful piracy-related attacks in different regions, and recognizes the need for continuing efforts with these counter-piracy measures as these gains are reversible as long as the conditions ashore are conducive to pirate activity at sea.

“The Security Council welcomes the commitments made for continued efforts to repress piracy, including efforts by bilateral donors and regional and international organisations to strengthen the capacity of the relevant States to counter piracy and armed robbery at sea including through prosecution of those responsible for acts of piracy and armed robbery at sea and imprisonment of convicted pirates, and in this connection welcomes the important contribution of the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia and the IMO Djibouti Code of Conduct Trust Fund and urges both States and non-state sectors affected by piracy, most notably the international shipping community, to contribute to them. The Council also notes the work of the International Piracy Ransoms Task Force to explore options for dealing with the issue of ransom payments to pirates, recognizing its importance.

“The Security Council stresses that the coordination of efforts at the regional level is necessary for the development of a comprehensive strategy to counter the threat of piracy and armed robbery at sea, in order to enable the prevention and disruption of such criminal activities, and also notes the need for international assistance as part of a comprehensive strategy to support national and regional efforts to assist the Member States undertaking steps to address piracy and armed robbery at sea and the illegal activities connected therewith.

“The Security Council reiterates the urgent need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks.

“The Security Council encourages member States to continue to cooperate with each other in the fight against piracy and armed robbery at sea off the coast of Somalia, underlines the primary responsibility of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and requests the Somali authorities, with assistance from the Secretary-General and relevant UN entities, to pass a complete set of counter-piracy laws without further delay, and to declare an Exclusive Economic Zone in accordance with the UN Convention on the Law of the Sea.

“The Security Council commends the efforts of the EU operation ATALANTA, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield commanded by NATO member States, Combined Maritime Forces’ Combined Task Force 151 commanded by Denmark, New Zealand, Pakistan, Republic of Korea, Singapore, Turkey, Thailand and the United States, and other States acting in their national capacity in cooperation with Somali authorities and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, and appreciates the efforts of Member States, including China, India, Japan, Malaysia, Republic of Korea and the Russian Federation, which have deployed ships and/or aircraft in the region, as stated in the Secretary-General’s report (S/2012/783).

“The Security Council welcomes the initiatives already taken by States and regional organizations, including Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Gulf of Guinea Commission (GGC) and the Maritime Organization for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea.

“The Security Council also appreciates the efforts of States in the region of the Gulf of Guinea, and encourages international partners to provide support to States and regional organizations for the enhancement of their capabilities to counter piracy and armed robbery at sea in the region, including their maritime capability to conduct regional patrols and operations in accordance with applicable law.

“The Security Council commends the continued efforts of the Contact Group on Piracy off the Coast of Somalia (CGPCS) to coordinate international efforts in different aspects of the fight against piracy.

“The Security Council appreciates the assistance being provided by the United Nations through the United Nations Office on Drugs and Crime and UNDP and through other international organizations and donors, in coordination with the CGPCS, to enhance the capacity of the judicial and the corrections systems in Somalia, Kenya, the Republic of Seychelles and other States in the region to prosecute suspected, and imprison convicted pirates consistent with applicable international human rights law and encourages coordination of United Nations actions, including those of its agencies, funds and programmes, in order to improve the effectiveness of international efforts.

“The Security Council emphasizes the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective and timely information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization in this regard.

“The Security Council notes the adoption by the International Maritime Organization of guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships, revised interim guidance to ship owners, ship operators and shipmasters on the use of Privately Contracted Armed Security Personnel (PCASP) on board ships in the high risk area, as well as the revised interim recommendations for flag States, port States and coastal States regarding the use of PCASP on board ships in the high risk area, and encourages flag States and port States to further consider the development of safety and security measures onboard vessels, including regulations for the deployment of PCASP on board ships through a consultative process, including through International Maritime Organization and International Standards Organization.

“The Security Council notes the request of some Member States on the need to review the boundaries of the High Risk Area on an objective and transparent basis taking into account actual incidents of piracy, noting that the high risk area is set and defined by the insurance and maritime industry.

“The Security Council takes note of the ongoing cooperation between the International Maritime Organization, the United Nations Office on Drugs and Crime and the Division of Ocean Affairs and the Law of the Sea with respect to the compilation of national legislation on piracy, encourages countries that have not yet provided their legislation to do so, and notes that copies of national legislation received by the Secretariat have been placed on the website of the United Nations.

“The Security Council requests the Secretary-General to include in his relevant reports to the Council the information concerning the implementation of this Presidential Statement, including any new information and observation, taking into account the work of relevant stakeholders, including regional Organizations, on possible ways to advance international efforts to combat the problem of piracy and armed robbery at sea and associated hostage taking.”



B. List of conciliators, arbitrators and experts nominated under article 2 of Annexes V, VII and VIII to the Convention

1. *List of conciliators and arbitrators nominated under article 2 of annexes V and VII to the Convention (as of 31 July 2013<sup>2</sup>)*

<b>State Party</b>	<b>Nominations:</b>	<b>Date of deposit of notification with the Secretary-General:</b>
Argentina	Dr. Frida María Armas Pfirter, Arbitrator	28 September 2009
	Dr. Frida María Armas Pfirter, Conciliator	28 September 2009
	Sir Gerard Brennan AC KBE, Arbitrator	19 August 1999
	Mr. Henry Burmester QC, Arbitrator	19 August 1999
	Professor Ivan Shearer AM, Arbitrator	19 August 1999
Austria	Professor Dr. Gerhard Hafner, Department of International Law and International Relations, University of Vienna, Member of the Permanent Court of Arbitration, The Hague, Conciliator at the OSCE Court of Conciliation and Arbitration, Former Member of the International Law Commission, Conciliator and Arbitrator	9 January 2008
	Professor Dr. Gerhard Loibl, Professor at the Diplomatic Academy of Vienna, Conciliator and Arbitrator	9 January 2008
	Ambassador Dr. Helmut Tichy, Deputy Head of the Office of the Legal Adviser, Austrian Federal Ministry for European and International Affairs, Conciliator and Arbitrator	9 January 2008
	Ambassador Dr. Helmut Türk, Judge at the International Tribunal for the Law of the Sea, Member of the Permanent Court of Arbitration, The Hague, Conciliator and Arbitrator	9 January 2008
Brazil	Walter de Sá Leitão, Conciliator and Arbitrator	10 September 2001
Chile	Helmut Brunner Nöer, Conciliator	18 November 1998
	Rodrigo Díaz Albónico, Conciliator	18 November 1998
	Carlos Martínez Sotomayor, Conciliator	18 November 1998
	Eduardo Vío Grossi, Conciliator	18 November 1998
	José Miguel Barros Franco, Arbitrator	18 November 1998
	María Teresa Infante Caffi, Arbitrator	18 November 1998
	Edmundo Vargas Carreño, Arbitrator	18 November 1998
	Fernando Zegers Santa Cruz, Arbitrator	18 November 1998
Costa Rica	Carlos Fernando Alvarado Valverde, Conciliator and Arbitrator	15 March 2000

<sup>2</sup> Source: Chapter XXI.6 of the publication entitled “*Multilateral Treaties Deposited with the Secretary-General*” at <http://treaties.un.org/>.

<b>State Party</b>	<b>Nominations:</b>	<b>Date of deposit of notification with the Secretary-General:</b>
Cyprus	Ambassador Andrew JACOVIDES, Conciliator and Arbitrator	23 February 2007
Czech Republic	Dr. Vladimír Kopal, Conciliator and Arbitrator	18 December 1996
Estonia	Mrs. Ene Lillipuu, Head of the Legal Department of the Estonian Maritime Administration, and Mr. Heiki Lindpere, the Director of the Institute of Law of the University of Tartu, as the Conciliators of the United Nations Convention of the Law of the Sea.	18 December 2006
	Mrs. Ene Lillipuu, Head of the Legal Department of the Estonian Maritime Administration, and Mr. Heiki Lindpere, the Director of the Institute of Law of the University of Tartu, as the Arbitrators	18 December 2006
Finland	Professor Kari Hakapää, Conciliator and Arbitrator	25 May 2001
	Professor Martti Koskenniemi, Conciliator and Arbitrator	25 May 2001
	Justice Gutav Möller, Conciliator and Arbitrator	25 May 2001
	Justice Pekka Vihervuori, Conciliator and Arbitrator	25 May 2001
France	Daniel Bardonnet, Arbitrator	4 February 1998
	Pierre-Marie Dupuy, Arbitrator	4 February 1998
	Jean-Pierre Queneudec, Arbitrator	4 February 1998
	Laurent Lucchini, Arbitrator	4 February 1998
Germany	Dr. (Ms.) Renate Platzoeder, Arbitrator	25 March 1996
Ghana	H.E. Judge Dr. Thomas A. Mensah, Conciliator and Arbitrator (Former Judge and First President of the UN Tribunal of the Law of the Sea (ITLOS))	30 May 2013
	Professor Martin Tsamenyi, Professor of Law, Conciliator and Arbitrator University of Wollongong, Australia and Director, Australian National Center for Ocean Resources and Security (ANCORS)	30 May 2013
Indonesia	Prof. Dr. Hasjim Djalal, M.A., Conciliator and Arbitrator	3 August 2001
	Dr. Ety Roesmaryati Agoes, SH, LL.M., Conciliator and Arbitrator	3 August 2001
	Dr. Sudirman Saad, D.H., M.Hum, Conciliator and Arbitrator	3 August 2001
	Lieutenant Commander Kresno Bruntoro, SH, LL.M., Conciliator and Arbitrator	3 August 2001
Italy	Professor Umberto Leanza, Conciliator and Arbitrator	21 September 1999
	Ambassdor Luigi Vittorio Ferraris, Conciliator	21 September 1999
	Ambassador Giuseppe Jacoangeli, Conciliator	21 September 1999
	Professor Tullio Scovazzi, Arbitrator	21 September 1999

State Party	Nominations:	Date of deposit of notification with the Secretary-General:
	Paolo Guido Spinelli, Former Chief of the Service for Legal Affairs, Diplomatic Disputes and international Agreements of the Italian Ministry of Foreign Affairs, Conciliator	28 June 2011
	Maurizio Maresca, Arbitrator	28 June 2011
	Tullio Treves, Arbitrator	28 June 2011
Japan	Ambassador Hisashi Owada, President of the Japan Institute of International Affairs, Arbitrator	28 September 2000
	Ambassador Chusei Yamada, Professor, Waseda University, Japan, Arbitrator	28 September 2000
	Dr. Soji Yamamoto, Professor Emeritus, Tohoku University, Japan, Arbitrator	28 September 2000
	Dr. Nisuke Ando, Professor, Doshisha University, Japan, Arbitrator	28 September 2000
	Dr. Soji Yamamoto; Professor Emeritus, Tohoku University, Japan, Conciliator	2 May 2006
	Ambassador Chusei Yamada; Member of the UN International Law Commission, Conciliator	2 May 2006
Mexico	Ambassador Alberto Székely Sánchez, Special Adviser to the Secretary for International Waters Affairs, Arbitrator	9 December 2002
	Dr. Alonso Gómez Robledo Verduzco, Researcher, Institute of Legal Research, National Autonomous University of Mexico, Member of the Inter-American Legal Committee of the Organization of American States, Arbitrator	9 December 2002
	Frigate Captain JN. LD. DEM. Agustín Rodríguez Malpica Esquivel, Chief, Legal Unit, Secretariat of the Navy, Arbitrator	9 December 2002
	Frigate Lieutenant SJN.LD. Juan Jorge Quiroz Richards, Secretariat of the Navy, Arbitrator	9 December 2002
	Ambassador José Luis Vallarta Marrón, Former Permanent Representative of Mexico to the International Seabed Authority, Conciliator	9 December 2002
	Dr. Alejandro Sobarzo, Member of the national delegation to the Permanent Court of Arbitration, Conciliator	9 December 2002
	Joel Hernández García, Deputy Legal Adviser, Ministry of Foreign Affairs, Conciliator	9 December 2002
	Dr. Erasmo Lara Cabrera, Director of International Law III, Legal Adviser, Ministry of Foreign Affairs, Conciliator	9 December 2002
Mongolia	Professor Rüdiger Wolfrum, Arbitrator	22 February 2005
	Professor Jean-Pierre Cot, Arbitrator	22 February 2005
Netherlands	E. Hey, Arbitrator	9 February 1998
	Professor A. Soons, Arbitrator	9 February 1998

State Party	Nominations:	Date of deposit of notification with the Secretary-General:
	A. Bos, Arbitrator	9 February 1998
	Professor Dr. Barbara Kwiatkowska, Arbitrator	29 May 2002
Norway	Carsten Smith, President of the Supreme Court, Conciliator and Arbitrator	22 November 1999
	Karin Bruzelius, Supreme Court Judge, Conciliator and Arbitrator	22 November 1999
	Hans Wilhelm Longva, Director General, Department of Legal Affairs, Ministry of Foreign Affairs, Conciliator and Arbitrator	22 November 1999
	Ambassador Per Tresselt, Conciliator and Arbitrator	22 November 1999
Poland	Mr. Janusz Symonides, Conciliator and Arbitrator	14 May 2004
	Mr. Stanislaw Pawlak, Conciliator and Arbitrator	14 May 2004
	Mrs. Maria Dragun-Gertner, Conciliator and Arbitrator	14 May 2004
Portugal	Professor José Manuela Pureza, Conciliator	5 October 2011
	Dr. João Madureira, Conciliator	5 October 2011
	Dr. Mateus Kowalski, Conciliator	5 October 2011
	Dr. Tiago Pitta e Cunha, Conciliator	5 October 2011
	Professor Nuno Sérgio Marques Antunes, Arbitrator	5 October 2011
Republic of Korea	Professor Jin-Hyun Paik, Conciliator and Arbitrator:	14 February 2013
Romania	Mr. Bogdan Aurescu, Secretary of State, Ministry of Foreign Affairs, Member of the Permanent Court of Arbitration, Arbitrator	2 October 2009
	Mr. Cosmin Dinescu, Director General for Legal Affairs, Ministry of Foreign Affairs, Arbitrator	2 October 2009
Russian Federation	Vladimir S. Kotliar, Arbitrator	26 May 1997
	Professor Kamil A. Bekyashev, Arbitrator	4 March 1998
	Mr. Alexander N. Vylegianin, Director of the Legal Department of the Council for the Study of Productive Forces of the Russian Academy of Science, Arbitrator	17 January 2003
Slovakia	Dr. Marek Smid, International Law Department of the Ministry of Foreign Affairs of Slovakia, Conciliator	9 July 2004
	Dr. Peter Tomka, Judge of the International Court of Justice, Arbitrator	9 July 2004
Spain	José Antonio de Yturriaga Barberán, Arbitrator	23 June 1999
	José Antonio de Yturriaga Barberán, Ambassador at large, Conciliator	7 February 2002
	Juan Antonio Yáñez-Barnuevo García, Ambassador at large, Conciliator	7 February 2002
	Aurelio Pérez Giralda, Chief, International Legal Advisory Assistance, Ministry of Foreign Affairs, Conciliator	7 February 2002

<b>State Party</b>	<b>Nominations:</b>	<b>Date of deposit of notification with the Secretary-General:</b>
	José Antonio Pastor Ridruejo, Judge, European Court of Human Rights, Arbitrator	7 February 2002
	D. Juan Antonio Yáñez-Barnuevo García, Arbitrator	26 March 2012
	Da Concepción Escobar Hernández, Conciliator and Arbitrator	26 March 2012
Sri Lanka	Hon. M.S. Aziz, P.C., Conciliator and Arbitrator	17 January 1996
	C. W. Pinto, Secretary-General of the Iran-US Tribunal in the Hague, Conciliator and Arbitrator	17 September 2002
Sudan	Sayed/Shawgi Hussain, Arbitrator	8 September 1995
	Dr. Ahmed Elmufti, Arbitrator	8 September 1995
	Dr. Abd Elrahman Elkhalfá, Conciliator	8 September 1995
	Sayed/Eltahir Hamadalla, Conciliator	8 September 1995
	Prof. Elihu Lauterpacht CBE QC, Arbitrator	8 September 1995
	Sir Arthur Watts KCMG QC, Arbitrator	8 September 1995
Sweden	Dr. Marie Jacobsson, Principal Legal Advisor on International Law, Ministry for Foreign Affairs, Arbitrator	2 June 2006
	Dr. Said Mahmoudi, Professor of International Law, University of Stockholm, Arbitrator	2 June 2006
Trinidad and Tobago	Mr. Justice Cecil Bernard, Judge of the Industrial Court of the Republic of Trinidad and Tobago, Arbitrator	17 Nov 2004
United Kingdom of Great Britain and Northern Ireland	Sir Michael Wood, Arbitrator and Conciliator	2 November 2010
	Sir Elihu Lauterpacht QC, Arbitrator and Conciliator	2 November 2010
	Professor Vaughan Lowe QC, Arbitrator and Conciliator	2 November 2010
	Mr. David Anderson, Arbitrator and Conciliator	2 November 2010

2. *List of experts in the field of navigation, including pollution from vessels and by dumping, maintained by the International Maritime Organization (as of 31 July 2013)*<sup>2</sup>

In accordance with articles 2 and 3 of Annex VIII of the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) which entered into force on 16 November 1994, IMO hereby establishes a list of experts in the field of navigation, including pollution from vessels and by dumping, for the purposes specified under article 3 of Annex VIII of UNCLOS, dealing with Special Arbitration. The names of the two experts so nominated by each State Party, and submitted to the Secretary-General of IMO, as of [...] are as follows:

<b>State Party</b>	<b>Nominations</b>
Algeria	Colonel Abdallah Hafsi
	Lieutenant-Colonel Youcef Zerizer
Argentina	Capitán de Navío Juan Carlos Frias Jefe de la División de Asuntos Marítimos Internacionales de la Dirección de Intereses Marítimos de la Armada Argentina
	Prefecto General Andrés Manuel Monzón Director de la Policía de Seguridad de la Navegación y ex Director de Protección Ambiental
Australia	Mr. Michael Kinley Deputy CEO Australian Maritime Safety Authority
	Mr. Bradley Groves General Manager Maritime Standards Division Australian Maritime Safety Authority
Austria	Dr. Viktor Siegl Austrian Supreme Shipping Authority Austrian Federal Ministry for Transport, Innovation and Technology, Department IV/W1, Vienna
	Dr. Andreas Linhart Austrian Supreme Shipping Authority Austrian Federal Ministry for Transport, Innovation and Technology, Department IV/W1, Vienna
Bahrain	Mr. Abdulmonem Mohamed Janahi
	Mr. Sanad Rashid Sanad

<sup>2</sup> Transmitted by communication dated 17 February 2012 from the International Maritime Organization.

State Party	Nominations
Belarus	<p>Mr. Bronislav I. Govorovsky Head Department of Maritime and River Transport Ministry of Transport and Communications Republic of Belarus</p>
	<p>Mr. Alexander Y. Sokolov Consultant Department of Maritime and River Transport Ministry of Transport and Communications Republic of Belarus</p>
Belgium	<p>Mrs. Anne Van Haute General Counsellor Legal Expert in Maritime Law Ministry of Mobility</p>
	<p>Mr. Peter Claeysens General Counsellor Expert in technical matters relating to the Conventions MARPOL, SOLAS and STCW Ministry of Mobility</p>
Bolivia (Plurinational State of)	<p>CC DIM Freddy Zapata Flores</p>
	<p>CC CGEN Rafael Quiroz</p>
Brunei Darussalam	<p>Captain Basza Alexzander bin Haji Basri Marine Officer</p>
	<p>Captain Zulkiflee bin Haji Abdul Ghani Marine Officer</p>
Bulgaria	<p>Captain Petar Petrov Director of Shipping Inspectorate of the Bulgarian Maritime Administration</p>
Cameroon	<p>M. Dieudonné Ekoumou Dimi Administrateur des Affaires Maritimes Expert en Sécurité Maritime</p>
	<p>M. Roger Ntsengue Administrateur des Affaires Maritimes Port and Shipping Expert</p>
Chile	<p>CF LT Sr. Emilio León Hoffmann Jefe Centro Nacional de Combate a la Contaminación Armada de Chile</p>
	<p>CC LT Sr. Oscar Tapia Zuñiga Jefe División de Navegación y Maniobras del Servicio Inspección de Naves Armada de Chile</p>

State Party	Nominations
China	Mr. Zhengjiang Liu Vice President Dalian Maritime University
	Mr. Fuzhi Chang Deputy Director-General Shanghai Maritime Safety Administration
Cook Islands	Mr. Ned Howard Director of Marine Ministry of Transport Government of the Cook Islands
	Captain Hugh M. Munro Deputy Registrar/Technical Advisor Cook Islands Ships Registry Maritime Cook Islands
Costa Rica	Mr. Carlos Fernando Alvarado Valverde Instituto Costarricense sobre Drogas San Pedro de Montes de Oca
	Mr. Carlos Murillo Zamora Profesor Universidad de Costa Rica
Czech republic	Dr. Vladimír Kopal Professor of International Law West Bohemian University Pilsen, Czech Republic
Democratic Republic of the Congo	M. Guy Richard Mazola Mabenga Ndongu Directeur Conseiller Juridique aux Lignes Maritimes Congolaises
	M. Richard Lubuma A'well Emfum Expert chargé d'Etudes au Groupe des Transports (GET)
Denmark	Ms. Birgit Sølling Oslén Deputy Director Danish Maritime Authority
	Ms. Anne Skov Strüver Head of Division Danish Maritime Authority
Djibouti	M. Houssein Sougoueh Miguil (dans le domaine de la navigation)
	M. Abdoukader Abdallah Hassan (dans le domaine de la pollution maritime)



<b>State Party</b>	<b>Nominations</b>
Ecuador	Dr. Carlos Salcedo Coello Subsecretaría de Puertos y Transporte Marítimo Fluvial (SPTM)
	Ing. Carmen Palacios Limones Instituto Oceanográfico de la Armada (INOCAR)
Egypt	Captain Dr. Mohamed Mamdouh El Beltagy Egyptian General Authority for Maritime Safety
	Ms. Soad Abdel-Moneim Abdel-Maksoud Director of the Treaties Department of the Maritime Transport Sector
Estonia	Mr. Heiki Lindpere, PhD Professor on the Law of the Sea and Maritime Law Rector of the Estonian Maritime Academy
Fiji	Mr. Josateki Tagi Acting Director Fiji Islands Maritime Safety Administration
	Captain Felix R Maharaj Acting Chief Marine Officer Fiji Islands Maritime Safety Administration
Finland	Professor Kari Hakapää University of Lapland
	Professor Peter Wetterstein Åbo Akademi University
Germany	Professor Dr. Dr. h.c. Peter Ehlers President of the Federal Maritime and Hydrographic Agency (retired)
Greece	Commander (HCG) Alexandros Lagouros Director of Marine Environment Protection Directorate of the Ministry of Citizen Protection
	Commander (HCG) Ioannis Kourouniotis Director of European Union and International Organizations Affairs Directorate of the Ministry of Citizen Protection
Guinea	Chérif Mohamed Lamine Camara Docteur Es-Sciences Techniques des Pêches en service à la Direction Nationale de la Pêche et de l'Aquaculture
Hungary	Mr. Tamás Marton (Captain) Ministry of National Development Head of Maritime and Inland Navigation Department

State Party	Nominations
	Mr. Róbert Kojnok (Captain) National Transport Authority Road, Railway and Shipping Office Head of Navigation Division
Italy	Professor Umberto Leanza Université de Rome Chef du service du contentieux Ministère des affaires étrangères italien  Professor Luigi Sico (since July 1999)
Latvia	Mr. Raitis Murnieks Director of Maritime Safety Department Maritime Administration of Latvia  Mr. Aigars Krastins Marine Accident Investigator Transport Accident and Incident Investigation Bureau
Lithuania	Mr. Robertinas Tarasevičius Deputy Director Lithuanian Maritime Safety Administration  Mr. Linas Kasparavičius Head Maritime Safety Division Lithuanian Maritime Safety Administration
Luxembourg	M. Robert Biver Commissaire du Gouvernement aux affaires maritimes  M. Joël Mathieu Conseiller technique auprès du Commissariat aux affaires maritimes
Maldives	Mr. Hussein Shareef Deputy Director Ministry of Transport and Civil Aviation  Mr. Mahdhy Imad Assistant Managing Director Maldives Ports Authority
Mexico	Captain Manuel P. Flitsche Head of the Third Section of the Naval Staff  Captain Gabriel Rivera Miranda Director of Navigation Merchant Marine Affairs Division Ministry of Communications and Transport

State Party	Nominations
Mozambique	Captain Mário Guilherme Director of Protection Services and Maritime Pollution Combat
	Engineer Domingos Pedro Gomes Director of Ships Protection Services and Portuary Installations
Nicaragua	Capitán de Fragata Demn Gerardo Roberto Fornos Mendoza
	Capitán de Corbeta José Vicente Laguna Medina
Nigeria	Mrs. Juliana Gunwa Director Marine Environment Management
	Captain Jerome Angyunwe Chief Nautical Surveyor
Norway	Mr. Jens Henning Kofoed Adviser Maritime Directorate of Norway
	Mr. Atle Fretheim Assistant Director General Royal Ministry of Environment
Pakistan	Captain Muhammad Aslam Shaheen Chief Nautical Surveyor Ports and Shipping Wing Karachi
	Captain Shaukat Ali Deputy Conservator Karachi Port Trust
Palau	Mr. Donald Dengokl Environmental Specialist Environmental Quality Protection Board (under the Ministry of Resources and Development)
	Mr. Arvin Raymond Chief, Division of Transportation Bureau of Commercial Development Ministry of Commerce and Trade
	Alternate Mr. Benito Thomas Chief, Division of Immigration Bureau of Legal Service Ministry of Justice

State Party	Nominations
Panama	<p>Capitán A.E. Fiore Jefe de Seguridad Marítima Segumar, Nueva York</p>
	<p>Ing. Ivan Ibérico Inspector del Departamento Técnico de la Dirección General Consular y de Naves</p>
Poland	<p>Ms. Dorota Pyć (PhD) University of Gdańsk</p>
	<p>Mr. Wojciech Ślęczka (PhD) Master Mariner Maritime University of Szczecin</p>
Portugal	<p>Professor Maria João Bebianno University of Algarve</p>
Republic of Korea	<p>Mr. Dong-Sup Lee Korea Institute of Maritime and Fisheries Technology (KIMFT) Republic of Korea</p>
	<p>Mr. In-Su Lee Ministry of Land Transport and Maritime Affairs (MLTM) Republic of Korea</p>
Romania	<p>Mr. Șerban Berescu Deputy General Director Romanian Shipping Authority</p>
	<p>Mr. Adrian Alexe Director Coordination Maritime Centre Romanian Shipping Authority</p>
Russian Federation	<p>Mr. Konstantin G. Palnikov Director Department of State Policy for Maritime and River Transport of the Ministry of Transport of the Russian Federation</p>
	<p>Mr. Vitaliy V. Klyuev Deputy Director Department of State Policy for Maritime and River Transport of the Ministry of Transport of the Russian Federation</p>
Samoa	<p>Mr. Vaelua Nofo Vaelua Chief Executive Officer/Secretary for Transport Ministry of Works, Transport and Infrastructure</p>

State Party	Nominations
	<p>Mr. Seinafolava Capt. Lotomau Tomane Assistant Chief Executive Officer Maritime Division Ministry of Works, Transport and Infrastructure</p>
Saudi Arabia	<p>Mr. Jamal Farahat Al-Ghamdi Marine Captain</p>
	<p>Mr. Majid Turki Al-Harbi Marine Engineer</p>
Seychelles	<p>Captain Joachim Valmont Director General Seychelles Maritime Safety Administration</p>
	<p>Captain Percy Laporte Seychelles Port Authority</p>
Sierra Leone	<p>Captain Patrick E.M. Kemokai</p>
	<p>Captain Salu Kuyateh</p>
Singapore	<p>Captain Francis Wee Assistant Director (Nautical) Marine Department</p>
	<p>Captain Wilson Chua Head, Hydrographic Department Port of Singapore Authority</p>
Slovakia	<p>Mr. Josef Mrkva Head of Maritime Office Ministry of Transport, Construction and Regional Development of the Slovak Republic</p>
	<p>Mr. Fedor Holcik State Counsellor of the Maritime Office Ministry of Transport, Construction and Regional Development of the Slovak Republic</p>
Slovenia	<p>Mr. Tomo Borovnicar, MA Head of the Port State Control Slovenian Maritime Administration Ministry of Transport of the Republic of Slovenia</p>
	<p>Captain Primoz Bajec Head of Vessel Traffic Service and Maritime Rescue Coordination Centre Slovenian Maritime Administration Ministry of Transport of the Republic of Slovenia</p>

State Party	Nominations
Spain	Capitán D. Francisco Ramos Corona Subdirector General de Seguridad, Contaminación e Inspección Marítima de la Dirección General de la Marina Mercante
	Capitán D. Jose Manuel Piñero Fernandez Jefe de Área de Tráfico y Seguridad en la Navegación de la Dirección General de la Marina Mercante
Suriname	Mr. E. Fitz-Jim Navigation Expert
	Mr. W. Palman Navigation Expert
Sweden	Mr. Johan Schelin Associate Professor in Private Law
Togo	M. Alfa Lebgaza Administrateur des Affaires Maritimes Directeur des Affaires Maritimes au Ministère Togolais des Transports
	M. Koté Djahlin Inspecteur de la Sécurité et de la Navigation Maritime Officier Chargé du Contrôle des Navires par l'Etat du Port
Uganda	Mr. S.A.K. Magezi Meteorology Department Ministry of Natural Resources Kampala
	Mr. J.T. Wambede Meteorology Department Ministry of Natural Resources Kampala
United Kingdom	Mr. David Goldstone QC Quadrant Chambers
	Mr. John Reeder QC Stone Chambers
Uruguay	Capitán de Navío (CP) Miguel A. Fleitas
	Capitán de Navío (CP) Javier Bermúdez
Zambia	Mr. John Chibale Mwape
	Mr. Gerald Siliya

C. Recent Judgments, Awards, and Orders

*International Tribunal for the Law of the Sea:  
Tribunal delivers Judgment in the M/V "Louisa"  
Case (Saint Vincent and the Grenadines v. Kingdom of Spain)  
Judgment delivered on 28 May 2013<sup>4</sup>*

**TRIBUNAL FINDS THAT IT HAS NO JURISDICTION TO ENTERTAIN THE APPLICATION**

Hamburg, 28 May 2013. At a public sitting held today, the International Tribunal for the Law of the Sea delivered its Judgment in *The MN "Louisa" Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*, in which it finds by 19 votes to 2 that it has no jurisdiction to entertain the Application filed by Saint Vincent and the Grenadines.

Proceedings in the case were instituted before the Tribunal on 24 November 2010. On 23 December 2010, the Tribunal delivered an Order on the Request for the prescription for provisional measures submitted by Saint Vincent and the Grenadines under article 290, paragraph 1, of the United Nations Convention on the Law of the Sea (see Press Release ITLOS/Press 158). Further to the filing of written pleadings by the Parties, the hearing on the merits took place from 4 to 12 October 2012.

The dispute concerns the M/V "Louisa", a vessel flying the flag of Saint Vincent and the Grenadines, which was boarded, searched and detained by Spanish authorities on 1 February 2006. While Saint Vincent and the Grenadines maintained that the M/V "Louisa" was engaged in conducting surveys of the sea floor with a view to locating oil and gas deposits, according to the Spanish authorities, the vessel was seized in connection with criminal proceedings instituted in respect of the commission of "the crime of possession and depositing weapons of war [...] together with the continued crime of damaging Spanish historical patrimony". Four persons were arrested and detained in Spain for different periods in connection with these criminal proceedings. On the day the M/V "Louisa" was boarded and detained, the Spanish authorities detained a second vessel, the "Gemini III", which, according to Saint Vincent and the Grenadines, served as a tender for the M/V "Louisa".

In its Judgment, the Tribunal first considers the scope of the declarations made by each Party under article 287 of the Convention. The Parties disagree on the scope of the jurisdiction conferred on the Tribunal by their respective declarations made under article 287. The Tribunal decides that the narrow interpretation of the declaration of Saint Vincent and the Grenadines advanced by Spain is not tenable, and considers that the declaration of Saint Vincent and the Grenadines covers the arrest or detention of its vessels and all matters connected therewith.

The Tribunal examines the question relating to the meaning of the expression "its vessels" in the declaration of Saint Vincent and the Grenadines and notes that the M/V "Louisa" was registered in Saint Vincent and the Grenadines and is to be regarded as one of "its vessels". As regards the "Gemini III", the Tribunal observes that it was not flying the flag of Saint Vincent and the Grenadines and states that the "Gemini III" enjoys an identity of its own and it is not covered by the declaration of Saint Vincent and the Grenadines. It concludes that in respect of the "Gemini III" it lacks jurisdiction.

The Tribunal goes on to look at the question of the link between *prima facie* jurisdiction and jurisdiction on the merits. It states that the question of jurisdiction to deal with the merits of the case can be decided only after consideration of the written and oral proceedings and not on the basis of the decision it took on *prima facie* jurisdiction in connection with the Request for the prescription of provisional measures.

The Tribunal then considers the subject and existence of the dispute. Although the Parties agree that the origin of the case lies in the detention of the M/V "Louisa" and its crew, they disagree on the question whether a dispute concerning the interpretation or application of the Convention exists. The Tribunal notes that the case before it has two aspects: one involving the detention of the vessel and the persons connected therewith and the other concerning the treatment of these persons. The first aspect relates to the claim originally submitted by Saint Vincent

<sup>4</sup> Source: ITLOS/Press 193 of 28 May 2013.

and the Grenadines on the basis of articles 73 (Enforcement of laws and regulations of the coastal State), 87 (Freedom of the high seas), 226 (Investigation of foreign vessels), 227 (Non-discrimination with respect to foreign vessels) and 303 (Archaeological and historical objects found at sea) of the Convention. Spain argues that the provisions of the Convention invoked by Saint Vincent and the Grenadines are plainly not applicable to the facts of the case and cannot serve as a legal basis for the claims of Saint Vincent and the Grenadines. The second aspect was introduced by Saint Vincent and the Grenadines on the basis of article 300 of the Convention only after the closure of the written proceedings. It was discussed during the oral proceedings and included in the final submissions of Saint Vincent and the Grenadines.

With regard to article 73 of the Convention, the Tribunal notes that the M/V "Louisa" was not detained for the reason that the laws and regulations of Spain concerning the living resources in the exclusive economic zone had been violated. The detention was made in the context of criminal proceedings relating to alleged violations of Spanish laws on "the protection of the underwater cultural heritage and the possession and handling of weapons of war in Spanish territory." Accordingly, in the view of the Tribunal, article 73 of the Convention cannot serve as a basis for the claims submitted by Saint Vincent and the Grenadines in respect of the detention of the M/V "Louisa" and its crew.

The Tribunal observes that article 87 of the Convention deals with the freedom of the high seas, in particular the freedom of navigation, which applies to the high seas and, under article 58 of the Convention, to the exclusive economic zone. It is not disputed that the M/V "Louisa" was detained when it was docked in a Spanish port. The Tribunal is of the view that article 87 cannot be interpreted in such a way as to grant the M/V "Louisa" a right to leave the port and gain access to the high seas notwithstanding its detention in the context of legal proceedings against it, and concludes that the arguments advanced by Saint Vincent and the Grenadines do not establish that article 87 of the Convention could constitute a basis for the claims submitted by Saint Vincent and the Grenadines in respect of the detention of the M/V "Louisa".

In its Judgment, the Tribunal recalls that the M/V "Louisa" was detained in the context of criminal proceedings relating to the alleged violations of Spanish laws on "the protection of the underwater cultural heritage and the possession and handling of weapons of war in Spanish territory." Therefore, articles 226 and 227 of the Convention cannot serve as a basis for the claims submitted by Saint Vincent and the Grenadines in respect of the detention of the M/V "Louisa".

The Tribunal notes that Saint Vincent and the Grenadines invoked article 245 of the Convention as a basis for its claims in its written pleadings although it did not include this provision in its final submissions. The Tribunal finds that the question of violation of the research permit does not arise as the M/V "Louisa" was detained in the context of criminal proceedings for alleged violations of Spanish laws on "the protection of the underwater cultural heritage and the possession and handling of weapons of war in Spanish territory." Accordingly, article 245 of the Convention cannot serve as a basis for the claim submitted by Saint Vincent and the Grenadines that the detention of the M/V "Louisa" violated its right to conduct marine scientific research.

With respect to the applicability of article 300 of the Convention, the Tribunal observes that, after the closure of the written proceedings, Saint Vincent and the Grenadines presented its claim as one substantively based on article 300 and the alleged violations of human rights by Spain. The Tribunal considers that this reliance on article 300 of the Convention generated a new claim in comparison to the claims presented in the Application. The Tribunal further observes that it is a legal requirement that any new claim to be admitted must arise directly out of the application or be implicit in it. The Tribunal considers that it cannot allow a dispute brought before it by an application to be transformed in the course of proceedings into another dispute which is different in character, and is of the view that article 300 of the Convention cannot serve as a basis for the claims submitted by Saint Vincent and the Grenadines.

For the foregoing reasons, the Tribunal concludes that no dispute concerning the interpretation or application of the Convention existed between the Parties at the time of the filing of the Application and that, therefore, it has no jurisdiction *ratione materiae* to entertain the case before it. Since it has no jurisdiction to entertain the Application, the Tribunal is of the view that it is not required to consider any of the other objections raised to its jurisdiction or against the admissibility of the claims of Saint Vincent and the Grenadines.

The Tribunal nevertheless takes note in its Judgment of the issues of human rights as described in paragraphs 59, 60, 61 and 62 of the Judgment, and holds the view that States are required to fulfil their obligations



under international law, in particular human rights law, and that considerations of due process of law must be applied in all circumstances.

The Tribunal therefore finds, for the above reasons, by 19 votes to 2, that it has no jurisdiction to entertain the Application filed by Saint Vincent and the Grenadines.

The Tribunal further decides, unanimously, that the Parties shall bear their own costs.

Judge Paik appends a declaration to the Judgment of the Tribunal, Judges Ndiaye, Cot, Kateka and Bouguetaia append separate opinions to the Judgment of the Tribunal and Judges Jesus and Lucky append dissenting opinions to the Judgment of the Tribunal.

The text of the Judgment and the recorded webcast of the public sitting may be found on the website of the Tribunal.

