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AND TREATIES RELATING TO  
THE LAW OF THE SEA



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## INTRODUCTION

In a note dated 25 April 1977, the Secretary-General requested Governments to provide the texts of legislation and treaties recently adopted or concluded in order to update the material previously received and contained in the volumes on the law of the sea printed in the *United Nations Legislative Series*.<sup>1</sup> As in the past the purpose is to provide the best possible information to the participants of the Third United Nations Conference on the Law of the Sea.

The present document contains texts received in reply to the above-mentioned note.<sup>2</sup>

The present document, like the latest volume of the Legislative Series (ST/LEG/SER.B/18) is arranged in two parts. Part One reproduces the texts of national legislation and other acts of national regulation. Part Two comprises treaty provisions. It will be noted that each part is now divided into five divisions, as follows:

- Division I. The territorial sea and the contiguous zone
- Division II. Economic or fishing zones
- Division III. The continental shelf
- Division IV. The high seas

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<sup>1</sup> The volumes previously published are as follows:

(a) *Laws and Regulations on the Régime of the High Seas*, vol. I (Continental Shelf, Contiguous Zones, Supervision of Foreign Vessels on the High Seas) (ST/LEG/SER.B/1, United Nations publication, Sales No. 1951.V.2);

(b) *Laws and Regulations on the Régime of the High Seas*, vol. II (Laws relating to Jurisdiction over Crimes Committed Abroad or on the High Seas) (ST/LEG/SER.B/2, United Nations publication, Sales No. 1952.V.1);

(c) *Laws concerning the Nationality of Ships* (ST/LEG/SER.B/5 and Add.1, United Nations publication, Sales No. 1956.V.1);

(d) *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, United Nations publication, Sales No. 1957.V.2);

(e) *Supplement to Laws and Regulations on the Régime of the High Seas* (vols. I and II) and *Laws concerning the Nationality of Ships* (ST/LEG/SER.B/8, United Nations publication, Sales No. 59.V.2);

(f) *National Legislation and Treaties relating to the Territorial Sea, the Contiguous Zone, the Continental Shelf, the High Seas and to Fishing and Conservation of the Living Resources of the Sea* (ST/LEG/SER.B/15, United Nations publication, Sales No. E/F.70.V.9);

(g) *National Legislation and Treaties relating to the Law of the Sea* (ST/LEG/SER.B/16, United Nations publication, Sales No. E/F.74.V.2); and

(h) *National Legislation and Treaties relating to the Law of the Sea* (ST/LEG/SER.B/18, United Nations publication, Sales No. E/F.76.V.2).

<sup>2</sup> It is to be noted that most of the texts received from Governments printed in the present volume were contained in a preliminary issue of the volume, circulated in 1978 in mimeograph form.

## Division V. Fishing and conservation of the living resources of the sea.

The addition of a new division on economic or fishing zones beyond the territorial sea was considered helpful in view of the practices already accepted by a number of States.

The material contained in Part One, Division I, is further divided into subdivisions and chapters. In Part One the texts are arranged as far as possible chronologically under the name of the State concerned; the texts of laws and similar enactments normally precede the texts of decrees and regulations. The names of the States are given in English and follow the English alphabetical order. In Part Two a distinction is made between multilateral and bilateral treaties which are arranged separately in chronological order in each Division. It should be noted that the inclusion of a particular treaty in the present volume does not necessarily mean that the treaty in question is in force at the time of editing. For treaties in force, information is provided, as available, as to their publication in the United Nations *Treaty Series*, or registration with the Secretariat.

Charts and maps are not reproduced for technical reasons.

In accordance with the practice followed in the *United Nations Legislative Series*, texts received in English or French are given in the original language. Texts received in other languages are given in English. A foot-note to the title of the text indicates when the text reproduced is a translation made by the Secretariat of the United Nations.

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## INTRODUCTION

Par une note en date du 25 avril 1977, le Secrétaire général a prié les gouvernements de lui faire parvenir le texte des dispositions législatives qu'ils avaient adoptées et des traités qu'ils avaient conclus récemment afin de mettre à jour les renseignements communiqués antérieurement et contenus dans les volumes de la Série législative des Nations Unies relatifs au droit de la mer<sup>1</sup>.

<sup>1</sup> Les volumes déjà publiés sont les suivants :

a) *Laws and Regulations on the Régime of the High Seas*, vol. 1 (Plateau continental, zones contiguës, surveillance des navires étrangers en haute mer) (ST/LEG/SER.B/1, publication des Nations Unies, numéro de vente : 1951.V.2);

b) *Laws and Regulations on the Régime of the High Seas*, vol. II (Lois relatives à la compétence juridictionnelle en matière d'infractions pénales commises à l'étranger ou en haute mer) (ST/LEG/SER.B/2, publication des Nations Unies, numéro de vente : 1952.V.1);

c) *Laws concerning the Nationality of Ships* (ST/LEG/SER.B/5 and Add.1, publication des Nations Unies, numéro de vente : 1957.V.1);

d) *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, publication des Nations Unies, numéro de vente : 1957.V.2);



Comme précédemment, le but de cette demande est de mettre à la disposition des participants à la troisième Conférence des Nations Unies sur le droit de la mer des renseignements aussi précis que possible.

Le présent document contient les textes adressés en réponse à la note susmentionnée<sup>2</sup>.

Comme le dernier volume de la Série législative (ST/LEG/SER.B/18), le présent document comprend deux parties. La première partie reproduit le texte des dispositions législatives nationales et autres mesures de réglementation prises par les pays. La deuxième partie contient des dispositions de traités. Il convient de noter que chaque partie comprend désormais cinq sections :

- Section I. La mer territoriale et la zone contiguë
- Section II. Les zones économiques ou zones de pêche
- Section III. Le plateau continental
- Section IV. La haute mer
- Section V. Pêche et conservation des ressources biologiques de la mer.

On a pensé que, compte tenu des pratiques déjà acceptées par plusieurs Etats, il serait utile d'insérer une nouvelle section consacrée aux zones économiques ou de pêche situées au-delà de la mer territoriale.

La section I de la première partie est subdivisée en sous-sections et chapitres. Dans la mesure du possible, les textes qui figurent dans la première partie sont présentés dans l'ordre chronologique sous le nom de l'Etat intéressé; les lois et autres textes législatifs précèdent en principe les décrets ou règlements. Le nom des Etats est donné en anglais et selon l'ordre alphabétique anglais. Dans la deuxième partie, on fait une distinction entre les traités multilatéraux et les traités bilatéraux qui, dans chaque section, sont classés à part et selon l'ordre chronologique. Il convient de noter que le fait qu'un traité figure dans le présent volume ne signifie pas nécessairement qu'il soit en vigueur au moment de la publication. Pour les traités en vigueur, des renseignements sont donnés en ce qui concerne leur publication dans le *Recueil des Traités* des Nations Unies ou leur enregistrement au Secrétariat.

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e) *Supplement to Laws and Regulations on the Régime of the High Seas* (vol. I et II) et *Laws concerning the Nationality of Ships* (ST/LEG/SER.B/8, publication des Nations Unies, numéro de vente : 59.V.2);

f) *National Legislation and Treaties relating to the Territorial Sea, the Contiguous Zone, the Continental Shelf, the High Seas and to Fishing and Conservation of the Living Resources of the Sea* (ST/LEG/SER.B/15, publication des Nations Unies, numéro de vente : E/F.70.V.9);

g) *National Legislation and Treaties relating to the Law of the Sea* (ST/LEG/SER.B/16, publication des Nations Unies, numéro de vente : E/F.74.V.2), et

h) *National Legislation and Treaties relating to the Law of the Sea* (ST/LEG/SER.B/18, publication des Nations Unies, numéro de vente : E/F.76.V.2).

<sup>2</sup> Il convient de noter que la plupart des textes adressés par les gouvernements qui sont reproduits dans le présent volume figuraient dans l'édition préliminaire de ce volume, publié en 1978 sous forme miméographiée.

Les cartes ne sont pas reproduites pour des raisons d'ordre technique.

Conformément à la pratique suivie pour la Série législative des Nations Unies, les textes reçus en anglais ou en français sont publiés dans la langue originale. Les textes reçus en d'autres langues sont publiés en anglais. Une note placée après le titre indique, le cas échéant, que le texte reproduit est une traduction établie par le Secrétariat de l'Organisation des Nations Unies.

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<sup>2</sup> Un titre entre crochets indique, ou bien que le texte en question est reproduit dans une autre section, sous-section ou chapitre de ce volume, ou bien qu'il n'est pas reproduit dans le volume. Dans chaque cas, une note à la page correspondante indique la section, la sous-section ou le chapitre où le texte est effectivement reproduit ou donne des renseignements sur le texte.

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**Part I**  
**NATIONAL LEGISLATION**



## **Division I**

# **THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE**

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## **Subdivision A. The territorial sea**

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### **Chapter I**

## **STATUS, BREADTH AND DELIMITATION OF THE TERRITORIAL SEA**

### **I. ALBANIA**

**DECREE No. 4650<sup>1</sup> OF 9 MARCH 1970 ON THE BOUNDARY OF THE PEOPLE'S REPUBLIC OF ALBANIA, AS AMENDED<sup>2</sup> IN 1976**

#### *Article 1*

The territorial waters of the People's Republic of Albania extend all along her coastline to the width of 15 nautical miles (27,780 km), starting from the straight baseline which goes from the Cape of Rodoni (Muzhi), the Cape of Palla, of Logji (Kala e Turres), Semani, the estuary of the Vjosa river, the western coast of the Sazani Island, the Cape of Gjuha and the Grama Bay, further on between the Albanian coast and the Greek Islands up through the Corfu Strait. The width of the territorial waters from the estuary of the Buna river to the Cape of Rodoni extends up to the Albania-Yugoslavia State boundary line.

#### *Article 4*

Internal waters of the People's Republic of Albania are the waters of the Adriatic and Ionian Sea which lie within the straight baseline that goes through the Buna river estuary, the Capes mentioned in the first paragraph of this article and the straight baseline which connects the Cape of Grama Bay, the Cape of Palermo Bay, the Cape of Qefali, the Cape of Saranda as well as the waters off the boundary line of the frontier lakes and rivers.

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<sup>1</sup> Only arts. 1 and 4 dealing with the delimitation of territorial and internal waters as amended in 1976 are reproduced here.

<sup>2</sup> By Decree No. 5384 of 23 February 1976. Entered into force immediately. English text provided by the Permanent Representative of the People's Republic of Albania to the United Nations in a letter dated 26 February 1976.

## 2. BANGLADESH

### TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974<sup>1</sup>

*Whereas* clause (2) of article 143 of the Constitution provides that Parliament may, from time to time, by law provide for the determination of the territorial waters and the continental shelf of Bangladesh;

*And whereas* it is necessary to provide for the declaration of the territorial waters, continental shelf and other maritime zones and for matter ancillary thereto;

It is hereby enacted as follows:

1. **Short title.** This Act may be called the Territorial Waters and Maritime Zones Act, 1974.

2. **Definitions.** In this Act, unless there is anything repugnant to the subject or context,

(a) "conservation zone" means a conservation zone established under section 6;

(b) "contiguous zone" means the zone of the high seas declared by section 4 to be the contiguous zone of Bangladesh;

(c) "continental shelf" means the continental shelf of Bangladesh referred to in section 7;

(d) "economic zone" means the zone of the high seas declared under section 5 to be the economic zone of Bangladesh;

(e) "territorial waters" means the limits of sea declared under section 3 to be the territorial waters of Bangladesh.

3. **Territorial waters.** (1) The Government may, by notification in the official Gazette, declare the limits of the sea beyond the land territory and internal waters of Bangladesh which shall be the territorial waters of Bangladesh specifying in the notification the baseline—

(a) from which such limits shall be measured; and

(b) the waters on the landward side of which shall form part of the internal waters of Bangladesh.

(2) Where a single island, rock or a composite group thereof constituting the part of the territory of Bangladesh is situated seawards from the main coast or baseline, territorial waters shall extend to the limits declared by notification under subsection (1) measured from the low water-line along the coast of such island, rock or composite group.

(3) The Sovereignty of the Republic extends to the territorial waters as well as to the air space over and the bed and subsoil of such waters.

(4) No foreign ship shall, unless it enjoys the right of innocent passage, pass through the territorial waters.

<sup>1</sup> Act No. XXVI of 1974. *The Bangladesh Gazette, Extra.*, 14 February 1974, part V, pp. 2334-2337. English text provided by the Permanent Representative of Bangladesh to the United Nations in a note verbale of 26 January 1976.



(5) Foreign ships having the right of innocent passage through the territorial waters shall, while exercising such right, observe the laws and rules in force in Bangladesh.

(6) The Government may, by notification in the official Gazette, suspend, in the specified areas of the territorial waters, the innocent passage of any ship if it is of opinion that such suspension is necessary for the security of the Republic.

(7) No foreign warship shall pass through the territorial waters except with the previous permission of the Government.

(8) The Government may take such steps as may be necessary—

(a) to prevent the passage through the territorial waters of any foreign ship having no right of innocent passage;

(b) to prevent and punish the contravention of any law or rule in force in Bangladesh by any foreign ship exercising the right of innocent passage;

(c) to prevent the passage of any foreign warship without previous permission of Government; and

(d) to prevent and punish any activity which is prejudicial to the security or interest of the Republic.

*Explanation.* In this section “warship” includes any surface or sub-surface vessel or craft which is or may be used for the purpose of naval warfare.

4. Contiguous zone. (1) The zone of the high seas contiguous to the territorial waters and extending seawards to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene, any law or regulation in force in Bangladesh relating to—

(a) the security of the Republic;

(b) the immigration and sanitation; and

(c) customs and other fiscal matters.

5. Economic zone. (1) The Government may, by notification in the official Gazette, declare any zone of the high seas adjacent to the territorial waters to be the economic zone of Bangladesh specifying therein the limits of such zone.

(2) All natural resources within the economic zone, both living and non-living, on or under the sea-bed and subsoil or on the water surface or within the water column shall vest exclusively in the Republic.

(3) Nothing in subsection (2) shall be deemed to affect fishing within the economic zone by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

6. Conservation zone. The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction.

7. Continental shelf. (1) The continental shelf of Bangladesh comprises—

(a) the sea-bed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; and

(b) the sea-bed and subsoil of the analogous submarine areas adjacent to the coasts of any island, rock or any composite group thereof constituting part of the territory of Bangladesh.

(2) Subject to subsection (1), the Government may, by notification in the official Gazette, specify the limits thereof.

(3) No person shall, except under and in accordance with the terms of a licence or permission granted by the Government, explore or exploit any resources of the continental shelf or carry out any search or excavation or conduct any research within the limits of the continental shelf:

Provided that no such licence or permission shall be necessary for fishing by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

*Explanation.* Resources of the continental shelf include mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immovable on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(4) The Government may construct, maintain or operate within the continental shelf installations and other devices necessary for the exploration and exploitation of its resources.

8. Control of pollution. The Government may, with a view to preventing and controlling marine pollution and preserving the quality and ecological balance in the marine environment in the high seas adjacent to the territorial waters, take such measures as it may deem appropriate for the purpose.

9. Power to make rules. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(a) for the regulation of the conduct of any person in or upon the territorial waters, contiguous zone, economic zone, conservation zone and continental shelf;

(b) for measures to protect, use and exploit the resources of the economic zone;

(c) for conservation measures to protect the living resources of the sea;

(d) for measures regulating the exploration and exploitation of resources within the continental shelf;

(e) for measures designed to prevent and control of marine pollution of the high seas.

(3) In making any rule under this section the Government may provide that a contravention of the rule shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand takas.

### 3. BENIN

DÉCRET N° 76-92 DU 2 AVRIL 1976 PORTANT EXTENSION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE POPULAIRE DU BÉNIN À 200 MILLES MARINS<sup>1</sup>

Le Président de la République, Chef de l'Etat, Chef du Gouvernement,  
...

Vu le décret n° 74-PR/MTPTPT du 7 mars 1968, relatif à la délimitation des eaux territoriales de la République du Dahomey<sup>2</sup>;

Sur proposition du Ministre des transports,

Le Conseil des Ministres entendu,

Décète :

#### *Article premier*

Les eaux territoriales de la République populaire du Bénin sont portées à une distance de deux cents (200) milles marins à compter de la laisse de basse mer, et en ce qui concerne les estuaires, à compter du premier obstacle à la navigation maritime, tel qu'il est défini par la réglementation maritime en vigueur.

#### *Article 2*

A l'intérieur des eaux territoriales béninoises, la pêche est et demeure réservée aux pêcheurs béninois et est interdite aux ressortissants étrangers qui ne seraient pas titulaires d'autorisations réglementaires béninoises.

<sup>1</sup> Texte communiqué par lettre en date du 12 août 1976 de la Mission permanente de la République populaire du Bénin auprès de l'Organisation des Nations Unies.

<sup>2</sup> Reproduit dans ST/LEG/SER.B/15, p. 62-63.

*Article 3*

Le présent décret qui abroge toutes dispositions antérieures sera publié au Journal officiel de la République populaire du Bénin.

**4. BURMA**

TERRITORIAL SEA AND MARITIME ZONES LAW, 1977<sup>1</sup>

*Chapter I. Title and definitions*

1. This Law may be called the Territorial Sea and Maritime Zones Law.
2. The following expressions contained in this Law shall have the following meanings—
  - (a) "Burma" means the Socialist Republic of the Union of Burma;
  - (b) "Council of Ministers" means the Council of Ministers of Burma;
  - (c) "Baselines" means the baselines specified in the annex to this Law.

*Chapter II. Territorial sea*

3. The territorial sea of Burma extends seawards to a distance of 12 nautical miles from the baselines.
4. The sovereignty of Burma extends to the territorial sea, to its bed and subsoil and to the air space over the territorial sea.
5. Subject to the provisions of this Law, ships of all States other than warships shall enjoy the right of innocent passage through the territorial sea. Passage shall be deemed to be innocent so long as it is not prejudicial to the peace, good order or security of Burma.
6. During passage through the territorial sea—
  - (a) a foreign ship shall observe the existing laws and rules of Burma;
  - (b) a foreign fishing vessel shall keep its fishing gear and equipment in a secured position for sea. Such a vessel shall traverse the territorial sea by the shortest way without stopping or anchoring, except by reason of *force majeure*;
  - (c) no foreign research ship shall undertake any research activity without the prior express permission of the Council of Ministers.
7. Proof of innocence of passage shall be furnished by the foreign ship exercising the right of innocent passage when called for by the competent authorities of Burma.
8. The Council of Ministers may suspend temporarily, in specified areas of the territorial sea, the innocent passage of foreign ships if it

<sup>1</sup> PYITHU HLUTTAW Law No. 3 of 9 April 1977. English text transmitted by the Permanent Representative of the Socialist Republic of the Union of Burma to the United Nations in a note dated 3 June 1977.

considers that such suspension is necessary to safeguard the peace, good order or security of Burma.

9. (a) No foreign warship shall pass through the territorial sea without the prior express permission of the Council of Ministers.

(b) A foreign warship entering the territorial sea without the prior express permission of the Council of Ministers shall be required to leave the area immediately.

(c) During passage through the territorial sea, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flag.

#### *Chapter III. Contiguous zone*

10. The contiguous zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of 24 nautical miles from the baselines.

11. In the contiguous zone Burma exercises such control as it may consider necessary to—

(a) safeguard the security of Burma;

(b) prevent and punish infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea.

#### *Chapter IV. Continental shelf*

12. The continental shelf of Burma comprises the sea-bed and sub-soil of the submarine areas that extend beyond the 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 where the outer edge of the continental margin does not extend up to that distance.

13. Burma exercises exclusive sovereign rights in respect of its continental shelf.

14. Without prejudice to the generality of the provisions of section 13, Burma has in the continental shelf—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized from time to time by international law.

15. (a) The natural resources of the continental shelf include vegetable organisms and living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(b) Where the Council of Ministers considers that a marine organism of any kind is part of the living natural resources of the continental shelf, it may, by notification in the official *Gazette*, declare that organism to be part of the living natural resources of the continental shelf.

16. No one shall, without the prior express permission of the Council of Ministers, carry out in the continental shelf, any of the following:

- (a) exploration;
- (b) exploitation of the natural resources, both living and non-living;
- (c) research;
- (d) search, excavation, drilling; or
- (e) construction, maintenance or operation of any artificial island, offshore terminal, installation or other structure or device.

*Chapter V. Exclusive economic zone*

17. The exclusive economic zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of 200 nautical miles from the baselines.

18. Burma has in the exclusive economic zone—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living, as well as for producing energy from water and winds;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized from time to time by international law.

19. Subject to the exercise by Burma of its rights—

(a) ships of all States shall enjoy the right of freedom of navigation within the exclusive economic zone;

(b) aircraft of all States shall enjoy freedom of overflight within the air space over the zone.

20. No one shall conduct any activity in the exclusive economic zone in relation to exploration, exploitation or research, without the prior express permission of the Council of Ministers:

Provided that, nothing in this section shall apply to fishing in accordance with law by a citizen of Burma.

#### *Chapter VI. Offences and penalties*

21. Whoever contravenes or attempts to contravene or abets the contravention of any provision of this Law or of any rule made thereunder shall be punishable with imprisonment which may extend to 10 years, or with fine, or with both:

Provided that, the provisions of this section shall not preclude the right to take action under any other existing law.

22. Any ship other than a warship which is involved in the contravention of any provision of this Law punishable under section 21 shall be liable to confiscation together with its equipment and instruments as well as everything aboard that ship.

23. There shall be no prosecution under this Law without the prior sanction of the Council of Ministers.

#### *Chapter VII. Miscellaneous*

24. For the purpose of successfully implementing the provisions of this Law, the Council of Ministers may promulgate such regulations, by-laws, orders, directives and procedures as may be necessary.

25. Nothing in this Law shall affect the right of hot pursuit that may be exercised by Burma against any offender for any offence committed in the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone.

#### ANNEX

For the purpose of this Law, the low-water lines as marked on the large-scale charts officially recognized by Burma shall be the baselines for measuring the breadth of the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone of Burma:

Provided that, where by reason of the geographical conditions prevailing on the coasts of Burma or of the economic requirements of the coastal regions straight baselines have been drawn between fixed points on the mainland, on islands or rocks, measurement shall be made from such baselines. The fixed points between which such straight baselines shall be drawn are indicated in detail in the following schedule:

#### SCHEDULE

##### 1. *Arakan coast*

(a) Southern Point of MAYU ISLAND . . . . .	Lat.	20° 11' 49" N
	Long.	92° 32' 19" E

(b) BORONGA POINT .....	Lat. 19° 48' 30" N Long. 93° 01' 42" E
(c) SOUTH TERRIBLES .....	Lat. 19° 22' 56" N Long. 93° 16' 20" E
(d) Western Point of HENRY ROCKS .....	Lat. 18° 51' 48" N Long. 93° 26' 15" E
(e) Western Point of NERBUDDA ISLAND ...	Lat. 18° 20' 50" N Long. 93° 56' 25" E
(f) ST. JOHN'S or CHURCH ROCKS .....	Lat. 17° 27' 39" N Long. 94° 19' 46" E
(g) NORTH-WEST GROUP .....	Lat. 16° 55' 28" N Long. 94° 12' 45" E
(h) KORONGE ISLAND .....	Lat. 16° 31' 20" N Long. 94° 14' 21" E
(i) SOUTH ROCK .....	Lat. 16° 18' 55" N Long. 94° 11' 20" E
(j) BLACK ROCK .....	Lat. 16° 11' 50" N Long. 94° 10' 50" E
(k) ALGUADA REEF (PATHEIN LIGHT) ...	Lat. 15° 42' 13" N Long. 94° 12' 06" E
2. <i>Gulf of Martaban</i>	
(a) ALGUADA REEF (PATHEIN LIGHT) ...	Lat. 15° 42' 13" N Long. 94° 12' 06" E
(b) Western Point of LONG ISLAND .....	Lat. 14° 24' 15" N Long. 97° 46' 02" E
3. <i>Tenasserim coast</i>	
(a) Western Point of LONG ISLAND .....	Lat. 14° 24' 15" N Long. 97° 46' 02" E
(b) NORTH ISLAND .....	Lat. 14° 09' 00" N Long. 97° 46' 54" E
(c) WEST CANISTER ISLAND .....	Lat. 12° 41' 30" N Long. 97° 43' 40" E
(d) Northern Point of SAURIM ISLAND .....	Lat. 12° 30' 30" N Long. 97° 47' 42" E
(e) Western Point of H. PRINCEP ISLAND ....	Lat. 12° 03' 03" N Long. 97° 38' 00" E
(f) GREAT WESTERN TORRES .....	Lat. 11° 47' 15" N Long. 97° 26' 15" E
(g) North-western Point of NORTH TWIN ....	Lat. 10° 38' 15" N Long. 97° 41' 45" E
(h) Western Point of SOUTH TWIN .....	Lat. 10° 28' 12" N Long. 97° 40' 45" E
(i) WESTERN ROCKY ISLAND .....	Lat. 09° 51' 24" N Long. 97° 52' 18" E



(j) HAYCOCK ISLAND .....	Lat. 09° 40' 45" N
	Long. 97° 54' 30" E
(k) Western Point of MURRAY ISLAND .....	Lat. 09° 35' 54" N
	Long. 97° 58' 12" E

## 5. CAPE VERDE

### DECREE NO. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL SEA<sup>1</sup>

*Article 1.* The territorial sea of the Republic of Cape Verde extends for one hundred nautical miles (100 miles) measured from the principal baselines defined by the following points:

*Origin*—Lat. 14° 53' 8" N Long. 23° 31' 1" W—S of Fogo Island—S of Brava Island; from SW of Brava Island—W of Santo Antão; from N of Santo Antão Island—N of Sal Island; from NE of Sal Island—E of Boa Vista Island—SW of Maio Island; from S of Maio Island—S of Santiago Island.

*Sole paragraph.* All maritime space lying inside the baselines defined by this article shall be internal waters of the Republic of Cape Verde.

*Article 2.* Innocent passage in peacetime in the territorial waters and internal waters shall be permitted for the purpose of international navigation.

*Article 3.* The Republic of Cape Verde reserves the right to establish its own exclusive economic zone, taking due account of the generally accepted principles of international maritime law.

*Article 4.* Fishing in the internal waters and territorial waters of the Republic of Cape Verde by any foreign vessel shall be expressly prohibited unless authorized by an agreement concluded between our State and the flag country of the vessel concerned.

*Article 5.* Any violation of the provisions of article 4 shall be punishable by a fine of 250,000 (two hundred and fifty thousand) escudos.

For a repeated offence the fine shall be twice that amount.

*Article 6.* The agent of the authority which discovers the violation shall conduct the offending vessel and its crew to the nearest national port, where he shall immediately report the occurrence to the competent maritime authorities with a view to the institution of proceedings.

*Article 7.* By decision of the maritime authorities the fish, if any, shall be sold and the proceeds of such sale shall, in the event of conviction, accrue to the State treasury.

*Article 8.* In addition to sentencing to the payment of the fine specified in article 5, the court which rules on the violation shall order the seizure of the fishing gear used in the violation.

<sup>1</sup> *Official Gazette of the Republic of Cape Verde* No. 24, 13 December 1975, p. 200. Portuguese text provided by the Minister of Foreign Affairs of the Republic of Cape Verde in a letter dated 30 December 1975. Translation by the Secretariat of the United Nations.

## 6. COLOMBIA

### ACT No. 10 OF 1978<sup>1</sup>

Establishing rules concerning the territorial sea, the exclusive economic zone and the continental shelf, and regulating other matters.

*Article 1.* The territorial sea of the Colombian nation, over which the latter exercises full sovereignty, shall extend beyond its mainland and island territory and internal waters to a distance of 12 nautical miles or 22 kilometres, 224 metres.

National sovereignty shall also extend to the space over the territorial sea as well as to its bed and subsoil.

*Article 2.* Ships of all States shall enjoy the right of innocent passage through the territorial sea, in accordance with the rules of international law.

*Article 3.* The outer limit of the territorial sea shall be constituted by a line every point of which is 12 nautical miles from the nearest point of the baseline referred to in the next article.

*Article 4.* The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast. In localities where the coastline is deeply indented or cut into, or if there is a fringe of islands along the coast in its immediate vicinity, measurements shall be made from straight baselines joining appropriate points. Waters on the landward side of the baselines shall be considered as internal waters.

*Article 5.* In the case of gulfs and bays whose natural entrance points are separated by no more than 24 miles, the territorial sea shall be measured from a line of demarcation joining the natural entrance points. The waters enclosed thereby shall be considered as internal waters.

If the mouth of the gulf or bay exceeds 24 miles in width, a straight baseline of that length may be drawn within it in such a manner as to enclose the maximum area of water possible.

*Article 6.* In the case of rivers which flow directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

*Article 7.* An exclusive economic zone shall be established adjacent to the territorial sea; the zone shall extend to an outer limit of 200 nautical miles measured from the baselines from which the breadth of the territorial sea is measured.

*Article 8.* In the zone established by the preceding article, the Colombian nation shall exercise sovereign rights for the purpose of exploring, exploiting, conserving and managing the living and non-living natural re-

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<sup>1</sup> Enacted by the Congress of Colombia on 25 July 1978. Entered into force with its promulgation pursuant to article 13. Spanish text provided by the Chargé d'Affaires a.i. of the Permanent Mission of Colombia to the United Nations in a letter of 3 October 1978. Translation by the Secretariat of the United Nations.

sources of the sea-bed, the subsoil and the superjacent waters; it shall also have exclusive jurisdiction for scientific research and the preservation of the marine environment.

*Article 9.* In pursuance of this Act, the Government shall identify the lines referred to in the preceding articles relating to its continental territory, the archipelago of San Andrés and Providencia, and other island territories; the said lines shall be published in the official maritime charts in accordance with the relevant international rules.

*Article 10.* National sovereignty shall extend to the continental shelf for the purposes of exploring and exploiting its natural resources.

*Article 11.* The national Government shall be empowered for a period of 12 months from the promulgation of this Act to adopt measures, to reorganize national administrative agencies and units or to establish such new agencies and units as may be deemed necessary, in order to ensure the policing and defence of Colombian maritime areas and to make appropriate use of the living and non-living natural resources of such areas with a view to meeting the needs of the Colombian people and the country's economic development.

The national Government shall likewise be empowered to contract such loans and make such budgetary appropriations and transfers as it deems appropriate.

*Article 12.* Provisions contrary to this Act are hereby superseded.

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## 7. COMOROS

ORDONNANCE N° 76-038/CE DU 15 JUIN 1976 PRÉCISANT LES LIMITES DES EAUX TERRITORIALES COMORIENNES ET ÉTABLISSANT UNE ZONE ÉCONOMIQUE EXCLUSIVE<sup>1</sup>

Le Chef de l'Etat,

Vu la Déclaration de la Chambre des députés du 6 juillet 1975 proclamant les Comores indépendantes,

Vu la Déclaration constitutionnelle du 31 décembre 1975 relative à l'exécutif,

Vu les revendications exprimées par les pays du tiers monde au cours des conférences internationales sur le droit de la mer réunies sous l'égide des Nations Unies à Caracas, Genève et New York,

Vu la nécessité,

Ordonne :

*Article premier.* La limite des "eaux territoriales" comorienne est fixée à douze (12) milles marins.

<sup>1</sup> Texte transmis par le Ministre des affaires étrangères de l'Etat comorien par lettre en date du 18 mars 1977.

La souveraineté de l'Etat comorien s'étend, en conséquence, à l'espace aérien au-dessus, au lit et au sous-sol de la mer comprise dans les eaux territoriales.

*Article 2.* La limite de la "zone économique exclusive" est fixée à deux cents (200) milles marins.

Toutes les ressources naturelles, vivantes et non vivantes, de la "zone économique" appartiennent exclusivement à l'Etat comorien, qu'elles se trouvent au fond, au sous-sol, à la surface ou dans le lit de la mer ainsi délimitée.

*Article 3.* Sauf convention particulière, la largeur de la "zone économique exclusive" ne s'étend pas au-delà d'une ligne médiane dont tous les points sont équidistants des lignes de base des côtes comoriennes et des côtes des pays étrangers qui leur font face.

*Article 4.* La présente ordonnance sera enregistrée, publiée au Journal officiel de l'Etat comorien et communiquée partout où besoin sera.

## 8. CUBA

### ACT OF 24 FEBRUARY 1977 CONCERNING THE BREADTH OF THE TERRITORIAL SEA OF THE REPUBLIC OF CUBA<sup>1</sup>

*Fidel Castro Ruz*, President of the Council of State of the Republic of Cuba

*Proclaims:* That the Council of State has agreed as follows:

*Whereas:* Article 10 of the Constitution of the Republic provides that the limits of the territorial sea shall be established by law.

*Whereas:* To give effect to the foregoing, the baseline from which the breadth of the territorial sea is measured should be determined at the appropriate time, in accordance with the historical antecedents and geographical, geological, economic and political characteristics and on the basis of geographical co-ordinates.

*Therefore:* In exercise of the powers conferred upon it by article 88, paragraph (c), of the Constitution, the Council of State decides to issue the following

#### *Legislative Decree No. 1*

*Article 1.* The territorial sea of the Republic of Cuba shall have a breadth of 12 nautical miles measured from the baseline determined in the present Legislative Decree, and its outer limit shall consist of a line every point of which is at an equal distance of 12 nautical miles from the closest point of the baseline.

<sup>1</sup> Decree No. 1, *Gaceta Oficial* of the Republic of Cuba, No. 6, 26 February 1977, pp. 15-17. Translation by the Secretariat of the United Nations.

*Article 2.* The baseline from which the breadth of the territorial sea of the Republic of Cuba is measured shall consist of the straight lines joining the outermost points of the coast, islands, islets, keys and drying reefs surrounding it, and determined on the basis of the following geographical co-ordinates:

<i>Latitude</i>	<i>Longitude</i>	
1. 21° 52', 0 N	84° 57', 2 W	Cabo San Antonio
2. 21° 52', 4 N	84° 56', 6 W	
3. 21° 53', 9 N	84° 55', 7 W	
4. 21° 54', 1 N	84° 55', 3 W	Punta Cajón
5. 22° 09', 6 N	84° 45', 0 W	Banco Sancho Pardo
6. 22° 16', 5 N	84° 41', 9 W	
7. 22° 18', 3 N	84° 40', 0 W	
8. 22° 20', 0 N	84° 38', 4 W	
9. 22° 25', 1 N	84° 33', 1 W	
10. 22° 28', 4 N	84° 28', 4 W	
11. 22° 31', 0 N	84° 24', 5 W	
12. 22° 35', 1 N	84° 16', 1 W	
13. 22° 38', 4 N	84° 11', 3 W	
14. 22° 40', 3 N	84° 08', 5 W	
15. 22° 42', 9 N	84° 01', 4 W	Cayo Jufías
16. 22° 53', 54 N	83° 36', 36 W	
17. 22° 59', 6 N	83° 12', 9 W	Punta Gobernadora
18. 23° 08', 7 N	82° 23', 6 W	Punta Brava
19. 23° 09', 0 N	82° 21', 4 W	Punta Barlovento
20. 23° 09', 1 N	82° 20', 9 W	
21. 23° 10', 0 N	82° 19', 5 W	
22. 23° 10', 2 N	82° 18', 2 W	Punta Campanilla
23. 23° 10', 5 N	82° 16', 2 W	Punta Guayacancs
24. 23° 10', 8 N	82° 14', 8 W	
25. 23° 10', 8 N	82° 12', 6 W	
26. 23° 11', 2 N	82° 01', 6 W	
27. 23° 11', 0 N	82° 00', 0 W	Punta Tijeras
28. 23° 16', 0 N	81° 05', 2 W	Cayo Mono
29. 23° 16', 9 N	80° 54', 9 W	Faro Cruz del Padre
30. 23° 13', 6 N	80° 19', 6 W	
31. 22° 56', 8 N	79° 45', 4 W	Cayo La Vela
32. 22° 41', 4 N	78° 53', 4 W	
33. 22° 37', 6 N	78° 38', 8 W	Cayos Guillermitos
34. 22° 32', 9 N	78° 22', 8 W	
35. 22° 28', 9 N	78° 10', 0 W	Cayo Paredón Grande
36. 22° 21', 1 N	77° 51', 7 W	Bajo Tributarios de Minerva
37. 22° 11', 5 N	77° 39', 8 W	Cayo Confites
38. 21° 39', 8 N	77° 08', 4 W	Punta Maternillos
39. 21° 16', 1 N	76° 21', 4 W	

	<i>Latitude</i>		<i>Longitude</i>	
40.	21° 07', 6 N	.....	75° 43', 0 W	
41.	21° 06', 9 N	.....	75° 41', 7 W	
42.	21° 04', 3 N	.....	75° 37', 2 W	Punta Lucrecia
43.	20° 41', 9 N	.....	74° 49', 9 W	Cayo Moa
44.	20° 37', 1 N	.....	74° 43', 8 W	Punta Guarico
45.	20° 19', 0 N	.....	74° 13', 8 W	Punta Fraile
46.	20° 18', 1 N	.....	74° 11', 8 W	Punta Azules
47.	20° 15', 5 N	.....	74° 09', 0 W	Quebrado del Mangle
48.	20° 15', 2 N	.....	74° 08', 7 W	
49.	20° 14', 8 N	.....	74° 08', 5 W	Punta Maisí
50.	20° 13', 6 N	.....	74° 08', 1 W	
51.	20° 13', 1 N	.....	74° 07', 9 W	
52.	20° 12', 7 N	.....	74° 07', 8 W	Punta Quemado
53.	20° 11', 7 N	.....	74° 08', 1 W	
54.	20° 10', 9 N	.....	74° 08', 6 W	
55.	20° 04', 8 N	.....	74° 14', 6 W	
56.	20° 04', 4 N	.....	74° 15', 4 W	
57.	20° 04', 1 N	.....	74° 16', 2 W	
58.	20° 04', 6 N	.....	74° 17', 8 W	Punta Caleta
59.	19° 55', 0 N	.....	74° 59', 0 W	
60.	19° 54', 3 N	.....	75° 01', 3 W	
61.	19° 53', 9 N	.....	75° 04', 9 W	
62.	19° 53', 4 N	.....	75° 09', 4 W	
63.	19° 52', 9 N	.....	75° 18', 2 W	
64.	19° 52', 6 N	.....	75° 21', 4 W	
65.	19° 52', 9 N	.....	75° 29', 6 W	
66.	19° 52', 9 N	.....	75° 32', 3 W	
67.	19° 53', 4 N	.....	75° 35', 2 W	
68.	19° 53', 6 N	.....	75° 36', 4 W	
69.	19° 57', 8 N	.....	75° 52', 6 W	Punta Morrillo
70.	19° 57', 3 N	.....	75° 57', 9 W	Punta Cabrera
71.	19° 57', 3 N	.....	76° 00', 4 W	
72.	19° 57', 7 N	.....	76° 04', 3 W	
73.	19° 57', 9 N	.....	76° 05', 9 W	
74.	19° 58', 8 N	.....	76° 11', 1 W	
75.	19° 58', 0 N	.....	76° 19', 2 W	
76.	19° 57', 3 N	.....	76° 21', 3 W	Punta Tabacal
77.	19° 56', 9 N	.....	76° 31', 2 W	Punta Bayamita
78.	19° 56', 8 N	.....	76° 34', 8 W	
79.	19° 56', 8 N	.....	76° 42', 6 W	
80.	19° 56', 0 N	.....	76° 47', 2 W	Punta Turquino
81.	19° 53', 3 N	.....	76° 58', 7 W	
82.	19° 53', 2 N	.....	76° 59', 4 W	

	<i>Latitude</i>		<i>Longitude</i>	
83.	19° 53', 2 N	.....	77° 00', 8 W	
84.	19° 53', 2 N	.....	77° 04', 4 W	
85.	19° 53', 6 N	.....	77° 07', 8 W	
86.	19° 51', 2 N	.....	77° 21', 0 W	
87.	19° 50', 8 N	.....	77° 23', 8 W	
88.	19° 50', 8 N	.....	77° 25', 2 W	Punta Monje
89.	19° 50', 6 N	.....	77° 30', 2 W	Punta Escalereta
90.	19° 50', 6 N	.....	77° 32', 2 W	Punta Pesquero de La Alegria
91.	19° 49', 6 N	.....	77° 40', 4 W	
92.	19° 50', 2 N	.....	77° 44', 9 W	
93.	20° 31', 1 N	.....	78° 19', 8 W	Punta Cabeza del Este
94.	20° 32', 2 N	.....	78° 23', 0 W	Punta Macao
95.	20° 47', 6 N	.....	78° 56', 7 W	Cayo Anclitas
96.	20° 52', 2 N	.....	79° 03', 3 W	Punta Escondido
97.	21° 03', 2 N	.....	79° 20', 4 W	Cayo Cinco Balas
98.	21° 06', 4 N	.....	79° 26', 6 W	Cayo Bretón
99.	21° 10', 5 N	.....	79° 31', 0 W	
100.	21° 13', 1 N	.....	79° 33', 3 W	
101.	21° 36', 6 N	.....	79° 50', 5 W	Cayo Puga
102.	21° 37', 7 N	.....	81° 04', 8 W	Cayo Trabuco
103.	21° 35', 6 N	.....	81° 30', 7 W	
104.	21° 34', 7 N	.....	81° 38', 3 W	
105.	21° 33', 6 N	.....	81° 45', 8 W	Cabezo de la Estopa
106.	21° 28', 4 N	.....	82° 12', 8 W	Cabezo Sambo
107.	21° 26', 5 N	.....	82° 50', 3 W	
108.	21° 26', 2 N	.....	82° 53', 0 W	
109.	21° 26', 3 N	.....	82° 53', 8 W	Caleta de Agustín Jol
110.	21° 28', 0 N	.....	83° 04', 2 W	Cabo Pepe
111.	21° 54', 4 N	.....	84° 02', 2 W	Cabo Francés
112.	21° 45', 9 N	.....	84° 26', 7 W	
113.	21° 45', 8 N	.....	84° 27', 3 W	Punta Leones
114.	21° 45', 2 N	.....	84° 30', 2 W	
115.	21° 45', 1 N	.....	84° 30', 6 W	
116.	21° 48', 6 N	.....	84° 48', 1 W	Punta del Holandés
117.	21° 48', 6 N	.....	84° 48', 6 W	
118.	21° 49', 6 N	.....	84° 55', 0 W	
119.	21° 49', 7 N	.....	84° 55', 2 W	
120.	21° 50', 1 N	.....	84° 55', 9 W	Punta Perpetua
121.	21° 50', 2 N	.....	84° 56', 1 W	
122.	21° 50', 6 N	.....	84° 56', 6 W	
123.	21° 51', 4 N	.....	84° 57', 1 W	
124.	21° 51', 7 N	.....	84° 57', 2 W	

*Article 3.* Waters on the landward side of the baseline are internal waters of the Republic of Cuba.

*Article 4.* The sovereignty which the socialist Cuban State exercises over the entire national territory, consisting of the Island of Cuba, the Isle of Pines, the other adjacent islands and keys, the internal waters, the territorial sea and the air space over them and the subsoil of the land areas shall extend to the bed and subsoil of the aquatic territory consisting of the internal waters and the territorial sea and to all the natural resources, whether living or non-living, in all the aforementioned areas, subject to the sovereignty of the Cuban State.

*Article 5.* The Republic of Cuba, without prejudice to the provisions of the preceding articles and in accordance with the principles of international law, shall respect the freedoms of navigation and overflight as regards straits or channels used for international navigation.

*Article 6.* Article 7, paragraph D, of the Code of Social Defence shall be amended to read as follows:

“D. For the purposes of this Code, the sea surrounding the coasts of the Republic up to a distance of twelve nautical miles, measured from the baseline consisting of the straight lines joining the outermost points of the coast, islands, islets, keys and drying reefs surrounding it, and whose geographical co-ordinates are determined by law, shall be considered territorial.”

*Article 7.* Act No. 1292, of 26 April 1975, and all other legal provisions and regulations at variance with the provisions of the present Legislative Decree, which shall come into force as soon as it is published in the *Gaceta Oficial* of the Republic, are hereby abrogated.

## 9. DEMOCRATIC KAMPUCHEA

### DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978<sup>1</sup>

Le Ministère des affaires étrangères du Kampuchea démocratique réaffirme la position du Kampuchea démocratique concernant la mer territoriale, la zone contiguë, la zone économique exclusive et le plateau continental du Kampuchea démocratique, position plusieurs fois précisée par le Gouvernement du Kampuchea démocratique.

1. Le Kampuchea démocratique exerce sa pleine et entière souveraineté sur sa mer territoriale dont la largeur s'étend sur 12 milles marins, mesurée à partir des lignes de base. Le Kampuchea démocratique exerce également cette souveraineté sur l'espace aérien au-dessus de sa mer territoriale ainsi que sur le fond et le sous-sol de sa mer territoriale.

2. Le Kampuchea démocratique exerce entièrement le droit de contrôle sur sa zone contiguë qui s'étend sur 12 milles marins à partir de la limite extérieure de sa mer territoriale.

<sup>1</sup> Traduction française transmise par le Ministère des affaires étrangères du Kampuchea démocratique par une note en date du 20 janvier 1978.



3. Le Kampuchea démocratique a des droits souverains exclusifs aux fins de l'exploration et de l'exploitation, de la conservation et de la gestion de toutes les ressources naturelles des eaux susjacentes du fond de la mer et de son sous-sol de sa zone économique exclusive située au-delà de sa mer territoriale et s'étendant jusqu'à 200 milles marins à partir des lignes de base.

Le Kampuchea démocratique exerce des droits souverains exclusifs sur son plateau continental comprenant le fond de la mer et le sous-sol des zones sous-marines qui s'étendent au-delà de sa mer territoriale sur toute l'étendue du prolongement naturel de son territoire terrestre. Le Kampuchea démocratique exerce ces droits souverains sur son plateau continental aux fins de l'exploration, de l'exploitation, de la conservation et de la gestion de toutes les ressources naturelles du fond de la mer et de son sous-sol.

4. Toutes les îles du Kampuchea démocratique possèdent leurs mers territoriales, leurs zones contiguës, leurs zones économiques exclusives et leurs plateaux continentaux.

5. Le Gouvernement du Kampuchea démocratique prend des mesures appropriées pour sauvegarder entièrement la souveraineté, les droits et les intérêts du Kampuchea démocratique dans sa mer territoriale, sa zone contiguë, sa zone économique exclusive et son plateau continental.

6. Le Gouvernement du Kampuchea démocratique réglera avec les parties concernées par les zones maritimes ci-dessus suivant la situation concrète.

## 10. DEMOCRATIC YEMEN

### ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS<sup>1</sup>

#### SECTION I

##### *Title and definitions*

*Article 1.* This act shall be known as "The Act of 1977 concerning the territorial sea, exclusive economic zone, continental shelf and other marine areas".

*Article 2.* For the purposes of the present Act, the following words and terms shall, except where otherwise indicated, have the meanings assigned to them below:

Republic—The People's Democratic Republic of Yemen;

Prime Minister—The Chairman of the Council of Ministers of the People's Democratic Republic of Yemen;

<sup>1</sup> Entered into force on 15 January 1978 pursuant to art. 25. Arabic text provided by the Permanent Representative of the People's Democratic Republic of Yemen in a note verbale of 6 January 1978. Translation by the Secretariat of the United Nations.

**Coast**—The continental and island coastlines of the People's Democratic Republic of Yemen facing the Gulf of Aden, the Bab El Mandab Strait, the Red Sea, the Arabian Sea and the Indian Ocean in accordance with the maps officially recognized by the Republic;

**Island**—A naturally formed area of land, surrounded on all sides by water, which is above the water level at high tide;

**Internal waters**—The waters on the side of baselines from which the territorial sea is measured extending towards both the continental and the island land territory of the Republic;

**Continental shelf**—The sea-bed and subsoil thereof extending beyond the territorial sea throughout the natural prolongation of the Republic's land territory to the outer limit 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 to that distance;

**Contiguous zone**—An expanse of water beyond the territorial sea of the Republic and adjacent to it as defined in article 11 of the present Act;

**Bay**—Any indentation or inlet or fjord or creek in the coastline or land protrusion in the sea;

**Low tide elevation**—A naturally-formed area of land which is surrounded by and above water at low tide but submerged at high tide;

**Pollution of the marine environment**—The introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

**Nautical mile**—One thousand eight hundred and fifty-two (1,852) metres.

## SECTION II

### *The territorial sea and contiguous zone*

**Article 3.** The territorial sea, its bed and subsoil thereof as well as the air space above it are subject to the sovereignty of the Republic.

**Article 4.** The territorial sea extends beyond the internal waters to a distance of 12 nautical miles seaward, measured from the straight baseline or from the low-water line along the coast as marked on large-scale charts officially recognized by the Republic.

**Article 5.** The baselines from which the territorial sea of the Republic is measured shall be as follows:

(a) Where the coast is wholly open to the sea: lines drawn from the low-water mark along the coast;

(b) In the case of islands situated on atolls or of islands having fringing reefs: lines drawn seaward from the low-water line of the reef;

(c) In the case of a bay facing the sea: lines drawn from one end of the land at the entrance of the bay to the other;

(d) In the case of a port or harbour: lines drawn along the seaward side of outermost harbour installations or roadsteads and lines also drawn between the tips of these installations;

(e) Where there is a low-tide elevation at a distance not exceeding 12 nautical miles from the coast: lines drawn from the low-water line on such elevations;

(f) In localities where the coastline is deeply indented, curved or cut into, or if there is a fringe of islands along the continental coast: straight baselines joining appropriate points.

*Article 6. (a)* Foreign ships shall enjoy the right of innocent passage through the territorial sea of the Republic. Such passage is innocent so long as it is not prejudicial to the security, integrity and independence of the Republic.

(b) Passage of a foreign ship or submarine or underwater vehicle shall not be deemed innocent if in the territorial sea it engages in any of the following activities:

1. Any threat or use of force against the sovereignty, territorial integrity or independence of the State;
2. Any exercise or practice of any kind;
3. Any act aimed at collecting information to the prejudice of the defence or security of the Republic;
4. The launching, landing or taking on board of any aircraft or military device;
5. The embarking or disembarking of any currency, person or commodity contrary to the immigration, security, customs, fiscal or sanitary laws and regulations in force;
6. Any act of wilful and serious pollution prejudicial to human health, living resources or the marine environment;
7. Any act of exploration, exploitation, or drilling for renewable or non-renewable natural resources;
8. Any survey or research activities;
9. Any act aimed at interfering with any systems of communication or any other facilities, installations or equipment;
10. Any activity which is not related to passage or is designed as to hamper international navigation.

*Article 7. (a)* The entry of foreign warships, including submarines and other underwater vehicles into and their passage through the territorial sea shall be subject to prior authorization from the competent authorities in the Republic.

(b) Submarines and other underwater vehicles are required to navigate on the surface and to show their flag while passing through the territorial sea.

*Article 8.* Foreign nuclear-powered ships or ships carrying nuclear substances or any other radio-active substances or materials shall give the competent authorities in the Republic prior notification of their entry into and passage through the territorial sea.

*Article 9.* The competent authorities shall have the right to take all necessary measures in the territorial sea to prevent passage which is not innocent as well as to suspend the admission of all or some foreign ships to specified areas of the territorial sea should the public interest so require, provided that such areas shall be specified in a prior notification.

*Article 10.* Foreign ships exercising the right of innocent passage in the territorial sea shall comply with the laws and regulations in effect in the Republic, as well as with the rules of international law and, in particular, such laws and regulations relating to transport and navigation.

*Article 11.* The outer limit of the contiguous zone shall be the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline referred to in article 4 above.

*Article 12.* The authorities of the Republic have the right to impose, in the contiguous zone, the control necessary to:

(a) Prevent any infringement of its security, customs, sanitary and fiscal laws and regulations within its territory or territorial sea;

(b) Punish infringement of the above laws and regulations whether committed within its territory or within its territorial sea.

### SECTION III

#### *The exclusive economic zone*

*Article 13.* The Republic shall have an exclusive economic zone the breadth of which extends 200 nautical miles from the baseline used to measure the territorial sea referred to in article 4 of this Act.

*Article 14.* In the exclusive economic zone, including its sea-bed and subsoil and the superjacent water column, the Republic has:

(a) Exclusive sovereign rights for the purpose of conserving, exploring, exploiting and managing its renewable and non-renewable natural resources, including the production of energy from the waters, currents and winds;

(b) Exclusive rights and jurisdiction with regard to the construction, repair, operation and use of artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the exclusive economic zone of the Republic;

(c) Exclusive jurisdiction over the marine environment with regard to its preservation and protection and to the prevention, control and abatement of marine pollution, as well as to the authorization, regulation and control of scientific research;

(d) Other rights recognized in international law.

*Article 15.* Without prejudice to the rights pertaining to it, the Republic guarantees the freedom of navigation, overflight and laying of submarine cables and pipelines in its exclusive economic zone.

#### SECTION IV

##### *The continental shelf*

*Article 16.* The authorities of the Republic may, to the exclusion of others, in the continental shelf:

- (a) Explore, exploit, manage and conserve its natural resources;
- (b) Construct, maintain, operate and use artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the continental shelf of the Republic;
- (c) Regulate, authorize and control scientific research;
- (d) Preserve and protect the marine environment and control and abate marine pollution.

#### SECTION V

##### *Marine boundaries*

*Article 17.* (a) The demarcation of marine boundaries between the Republic and any State with adjacent or opposite coasts shall be effected, with regard to the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, by agreement with that State;

(b) Pending agreement on the demarcation of the marine boundaries, the limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf between the Republic and any State with coasts adjacent or opposite to it, the coast of the Republic shall not be extended to more than the median or equidistance line every point of which is equal in distance from the nearest points on the baselines from which the breadth of the territorial seas of both the Republic and the other State is measured.

#### SECTION VI

##### *The island territory*

*Article 18.* Each of the islands of the Republic shall have a territorial sea, contiguous zone, exclusive economic zone and continental shelf of its own, and all provisions of this Act shall be applicable to it.

#### SECTION VII

##### *General provisions*

*Article 19.* In exercising its sovereign rights and jurisdiction over the territorial sea, the exclusive economic zone and the continental shelf, the Republic shall have the right to take all necessary measures aimed at ensuring the implementation of its laws and regulations.

*Article 20.* Any foreign person, natural or juridical, shall be banned from exploring and exploiting the renewable and non-renewable natural resources of the territorial sea, exclusive economic zone and continental shelf of the Republic, from conducting any prospecting, drilling or search operations, undertaking any scientific research or prospecting drilling, construction or maintenance of any kind of artificial islands, stations (marine installations), devices or structures, or from conducting any operational or maintenance work for any purpose, unless he has entered into a special agreement with the Republic for this purpose or obtained a special permit from its competent authorities.

*Article 21.* Without prejudice to any more severe penalty laid down in any other law, any persons violating the provisions of this Act or the rules and regulations issued under it shall be subject to a penalty of not more than three years imprisonment or a fine of not more than 10,000 dinars. However, the court may also order confiscation.

*Article 22.* Any person causing any pollution detrimental to human health or to the living resources of the marine environment in the internal waters, territorial sea or the exclusive economic zone of the Republic shall be punished with a prison sentence of not more than one year or with a fine of not more than 5,000 dinars.

Should such pollution result in serious harm, the penalty shall be a prison sentence of not more than three years or a fine not exceeding 10,000 dinars.

*Article 23.* The Prime Minister shall issue the decisions and regulations implementing and interpreting this Act.

*Article 24.* For the purposes of the present Act, any text which conflicts with its regulations, especially Act No. 8 of 1970<sup>1</sup> and Act No. 2 of 1972, shall be rescinded.

## 11. DOMINICAN REPUBLIC

ACT No. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF,<sup>2</sup> AS AMENDED<sup>3</sup> IN 1977

*Article 3:* There shall be established a contiguous zone supplementary to the territorial sea, known as the "Contiguous Zone" and consisting of a belt of sea adjoining the outer limit of the territorial sea and extending

<sup>1</sup> Reproduced partially in ST/LEG/SER.B/16, p. 25.

<sup>2</sup> The original title of this Act was: "Act No. 186 of 13 September 1967 on the Territorial Sea, the Contiguous Zone and the Continental Shelf". For the original text of this Act, see ST/LEG/SER.B/15, p. 76. (Erroneously referred to as Act No. 186 of 6 September 1977.)

<sup>3</sup> By Act No. 573 of 1 April 1977 amending the title and arts. 3 to 8 of Act No. 186 of 13 September 1967. This Act also repeals any provision which conflicts with it. Spanish text provided by the Permanent Representative of the Dominican Republic to the United Nations in a letter dated 5 May 1977. Translation by the Secretariat of the United Nations.

24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(1) The Dominican State shall exercise in the "Contiguous Zone" the control measures necessary to:

(a) Prevent any breaches of its customs, fiscal, immigration and sanitary laws which might be committed in its territory or in its territorial sea;

(b) Punish any breaches of such laws committed in its territory or in its territorial sea.

*Article 4:* There shall be established a zone situated outside the territorial sea and adjacent to it known as the "Exclusive Economic Zone".

(1) The "Exclusive Economic Zone" shall extend in the direction of the high seas up to 200 nautical miles measured from the baselines from which the breadth of the territorial sea is measured. The limits of the zone shall be established by a broken line beginning at the first boundary mark on our frontier with the neighbouring Republic of Haiti, at the mouth of the River Masacre or Dajabón and passing through points whose geographical positions are as follows:

- (a) River Masacre boundary.
- |                        |       |                     |
|------------------------|-------|---------------------|
| (b) Lat. 19° 50' 30" N | ..... | Long. 72° 02" W     |
| (c) Lat. 20° 33' 33" N | ..... | Long. 72° 08' 20" W |
| (d) Lat. 20° 36' N     | ..... | Long. 71° 38' W     |
| (e) Lat. 20° 33' N     | ..... | Long. 71° 27' W     |
| (f) Lat. 20° 34' 30" N | ..... | Long. 71° 08' 30" W |
| (g) Lat. 20° 44' 30" N | ..... | Long. 70° 23' 30" W |
| (h) Lat. 21° 11' 30" N | ..... | Long. 69° 29' W     |
| (i) Lat. 22° 23' 30" N | ..... | Long. 67° 45' W     |
| (j) Lat. 21° 49' N     | ..... | Long. 67° 24' W     |
| (k) Lat. 18° 33' 20" N | ..... | Long. 67° 44' W     |
| (l) Lat. 18° 29' 30" N | ..... | Long. 67° 47' 30" W |
| (m) Lat. 18° 21' 40" N | ..... | Long. 68° 07' W     |
| (n) Lat. 18° 06' N     | ..... | Long. 68° 15' 30" W |
| (ñ) Lat. 16° 08' 30" N | ..... | Long. 58° 21" W     |
| (o) Lat. 15° 18' N     | ..... | Long. 69° 29' 30" W |
| (p) Lat. 15° 02' N     | ..... | Long. 73° 27' 30" W |
| (q) Lat. 16° 50" N     | ..... | Long. 72° 49' W     |
| (r) Lat. 17° 49" N     | ..... | Long. 72° 05' 30" W |
- (s) Last boundary mark on border with Haiti, at Pedernales to meet with the last boundary mark on the border with Haiti at the mouth of the River Pedernales.

*Article 5:* The Dominican State shall exercise sovereign rights in this zone for the purposes of exploration and exploitation, conservation and administration of natural resources, both living and non-living, of the seabed and subsoil and superjacent waters.

(1) It shall also exercise exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, installations and structures within the zone.

(2) The Dominican State shall exercise exclusive jurisdiction with respect to other activities with a view to the exploration and economic exploitation of this zone, such as the production of energy derived from water, currents and winds.

(3) The Dominican State shall exercise jurisdiction with respect to the preservation of the marine environment, including control and reduction of pollution.

(4) The Dominican State shall regulate the investigation, exploration and exploitation of resources within this zone.

*Article 6:* The establishment of this exclusive economic zone shall not affect the right to freedom of navigation and overflight and the right to lay cables and submarine pipelines or other legitimate and reasonable international uses of the sea, without prejudice to compliance with the laws and regulations laid down by the Dominican State in accordance with this Act and with the norms of international law.

*Article 7:* The Dominican State shall exercise sovereign rights over the continental shelf for purposes of its exploration and the exploitation of its natural resources.

(1) For the purposes of this article, the term "Continental Shelf" includes the sea-bed and subsoil of the submarine areas stretching beyond the territorial sea and all along the natural extension of its land territory up to the outer edge of the continental terrace, or up to a distance of 200 nautical miles from the baselines from which the territorial sea is measured in cases where the outer edge of the continental terrace does not extend to that distance.

(2) The rights referred to in this article are exclusive in the sense that, if the State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without its express consent.

(3) The natural resources to which these provisions refer are the mineral and other non-living resources of the sea-bed and the subsoil thereof, as well as living organisms belonging to sedentary species, that is, those which during the period of exploitation are immobile in the sea-bed or the subsoil thereof or which can only move in constant physical contact with the sea-bed or the subsoil thereof.

*Article 8:* The provisions of this Act shall be applied in harmony with the relevant norms of international law and conventions in force on the subject, which shall apply to the exclusive economic zone, in so far as they are not incompatible.



## 12. ECUADOR

### CIVIL CODE<sup>1</sup>

*Article 628.* The territorial sea under national jurisdiction shall comprise the adjacent sea to a distance of 200 nautical miles measured from the outermost points of the coast of the Ecuadorian mainland and the outermost points of the outermost islands of the Colón Archipelago and from the low-water mark, using a baseline to be defined by Executive Decree.

The adjacent sea included between the baseline referred to in the preceding paragraph and the low-water line constitutes internal waters under national jurisdiction.

If, under the terms of international treaties dealing with this matter, zones are designed for maritime policing and protection which are broader than those laid down in the foregoing paragraphs, the provisions of such treaties shall prevail.

Zones other than the territorial sea which are to be subject to the régime of freedom of navigation or to innocent passage by foreign vessels shall be defined by Executive Decree.

The sea-bed of the adjacent sea and the subsoil thereof are also national property.

## 13. GERMANY, FEDERAL REPUBLIC OF

### INFORMATION CONCERNING THE ESTABLISHMENT OF STRAIGHT BASELINES IN THE BALTIC SEA<sup>2</sup>

Effective 8 May 1978 the Federal Republic of Germany has established straight baselines in the Baltic Sea. Baselines for the determination of the outer limit of the territorial sea are the coast line (low-water line) and the lines connecting the following points:

- (a) in Flensburg Bay:
  1. 54° 49' 13" N 9° 56' 30" E and
  2. 54° 47' 53" N 9° 54' 37"
- (b) in Eckernförde Bay:
  3. 54° 33' 08" N 10° 01' 44" E and
  4. 54° 29' 08" N 10° 08' 09" E

<sup>1</sup>The Ecuadorian Civil Code, Book II, Title III: "National Property". Promulgated in the *Registro Oficial*, No. 446 of 4 June 1970, substituting for the former Art. 633, reproduced in ST/LEG/SER.B/15, p. 78. Spanish text provided by the Permanent Representative of Ecuador to the United Nations in a note verbale dated 28 June 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup>Published in Issue No. 32 of the *Official Gazette of the German Hydrographic Institute*, "Information for Mariners", under entry No. 3240 and entered into navigational charts. English text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a letter of 21 February 1979. At the same time respective navigational charts were deposited with the United Nations which are available for perusal at the Law of the Sea Library in the Secretariat Building at United Nations Headquarters in New York.

- (c) in Kiel Bay:
5. 54° 27' 25" N 10° 11' 59" E and
  6. 54° 26' 11" N 10° 19' 54" E
- (d) in Hohwacht Bay:
7. 54° 21' 46" N 10° 36' 11" E and
  8. 54° 21' 53" N 10° 53' 19" E
- (e) in Fehmarnsound, Westside:
9. 54° 22' 57" N 10° 55' 54" E and
  10. 54° 27' 00" N 11° 00' 21" E
- (f) in Fehmarnsound, Eastside:
11. 54° 24' 10" N 11° 18' 48" E and
  12. 54° 11' 52" N 11° 05' 38" E

Specification: The outer limit of the territorial sea of the Federal Republic of Germany is formed by a line each point of which is at a distance of 3 nautical miles from the nearest point of the baseline.

#### 14. GUATEMALA

LEGISLATIVE DECREE NO. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE<sup>1</sup>

*The Congress of the Republic of Guatemala,*

*Considering* that the marine resources off the coast of the Guatemalan nation constitute a heritage of its inhabitants which must be safeguarded for the benefit of present and future generations;

*Considering* that such resources have been the object of exploitation of every kind by foreign fishing fleets, to the detriment of the conservation thereof;

*Considering* that there is a majority consensus in the international community on the extent of the territorial sea and on the necessity of exploiting other sea areas to the benefit of the coastal State;

*Considering* that there also exists international agreement in principle on the exploration and exploitation of the submarine shelf and the sea-bed, likewise to the benefit of the coastal State, without prejudice to the rights of mankind;

*Considering* that, in accordance with article 3 of the Constitution of the Republic, Guatemala exercises full sovereignty and dominion over its territory, which includes the sea-bed and subsoil, continental shelf, territorial waters and superjacent airspace and extends to the natural resources and wealth existing therein, without prejudice to free maritime and aerial

<sup>1</sup> Spanish text provided by the Permanent Representative of Guatemala in a note verbale of 4 January 1977. Translated by the Secretariat of the United Nations.

navigation in accordance with the law and with the provisions of international treaties and conventions;

*Considering* that since 1939, as confirmed by Legislative Decree of the Legislative Assembly No. 2535, of 21 April 1941,<sup>1</sup> Guatemala has declared that its territorial sea extends 12 maritime miles from the low-water line;

*Considering* that the international community has succeeded in identifying principles of the law of the sea which harmonize the divergent views of States;

*Considering* that, in accordance with article 129, paragraph 4, of the Constitution of the Republic, the tidal zone, the continental shelf and the airspace, to such extent and in such form as shall be determined by the law or by duly ratified international agreements, are the property of the nation and that, consequently, it is for the Congress of the Republic to delimit the extension of the maritime space over which its rights, jurisdiction and sovereignty shall be exercised;

*Acting* in exercise of the powers assigned it by article 170, paragraph 1, of the Constitution of the Republic;

*Decrees* as follows:

*Article 1.* Guatemala reiterates its sovereignty, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea, which extends 12 nautical miles from the relevant baselines. Such sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

*Article 2.* Ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea in accordance with international law.

*Article 3.* The Republic of Guatemala establishes an exclusive economic zone which shall extend 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. This zone shall include:

(a) Sovereign rights for the purpose of exploring and of exploiting, conserving and managing the natural resources, both renewable and non-renewable, of the continental shelf (bed and subsoil), the sea-bed and subsoil and the superjacent waters;

(b) Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and similar structures, including the customs, fiscal, sanitary and immigration regulations pertaining thereto;

(c) Exclusive jurisdiction with regard to:

(i) Other activities for the exploration and economic exploitation of the zone, such as the production of energy derived from the water or from tides or winds;

(ii) Scientific research;

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<sup>1</sup> Reproduced in ST/LEG/SER.B/1, p. 79.

(d) Jurisdiction with regard to the preservation of the marine environment, including the control and elimination of pollution.

(e) Such other rights and obligations as may derive from jurisdiction over the zone.

*Article 4.* Guatemala recognizes within its exclusive economic zone the right of other States, whether coastal or land-locked, to freedom of navigation and overflight, the laying of cables and pipelines and, subject to the participation of a representative of the Government, other internationally lawful uses of the sea relating to navigation and communications.

*Article 5.* The appropriate organs shall enact the laws and regulations relating to fishing, conservation of species, marine pollution and other relevant activities in the territorial sea, in the exclusive economic zone, on the continental shelf (bed and subsoil) and on the sea-bed.

Until such time as the appropriate laws and regulations are enacted, the laws and regulations relating to the territorial sea shall apply in the exclusive economic zone, to the extent that they are applicable to the nature of the said zone.

*Article 6.* The Executive shall conclude the relevant agreements with adjoining coastal States; it shall issue licences for fishing or any other activity relating to the exploration and exploitation of the territorial sea and of the exclusive economic zone and shall enforce the legislation on the subject.

*Article 7.* A qualified officer of the Navy shall participate, as a delegate, in the delegations of Guatemala to conferences relating to maritime questions.

*Article 8.* The Guatemalan Army shall be responsible for ensuring respect for the rights of the Republic over its territorial sea and over the exclusive economic zone.

*Article 9.* This Decree shall enter into force on the date of its publication in the *Diario Oficial*.

## 15. GUINEA

DÉCRET N° 224/PRG DU 3 JUIN 1964 PORTANT LIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DE GUINÉE<sup>1</sup> MODIFIÉ EN 1965<sup>2</sup>

Le Président de la République de Guinée,

...

Décète :

<sup>1</sup> L'article premier de ce décret est reproduit dans ST/LEG/SER.B/15, p. 87.

<sup>2</sup> Modifié par le décret n° 426/PRG du 31 décembre 1965. Texte transmis par le représentant permanent de la République de Guinée auprès de l'Organisation des Nations Unies par note en date du 25 août 1977.

L'article premier du décret n° 224/PRG du 3 juin 1964 fixant les limites des eaux territoriales de la République de Guinée est modifié comme suit :

*Article premier.* Les limites des eaux territoriales de la République de Guinée sont fixées ainsi qu'il suit :

— Au nord, par le parallèle de latitude 10° 56' 42" nord, et

— Au sud, par le parallèle de latitude 9° 03' 18" nord, sur une distance vers le large de deux cents (200) milles marins, à compter d'une droite passant au S.O. de l'île Sène du groupe TRISTATO, et au sud par la pointe S.O. de l'île TAMARA, à la laisse des basses mers.

## 16. GUYANA

### MARITIME BOUNDARIES ACT, 1977<sup>1</sup>

...

2. In this Act—

“continental shelf” means the continental shelf of Guyana;

“exclusive economic zone” means the exclusive economic zone of Guyana as designated under section 15;

“fish” includes all or any of the varieties of marine, estuarine or fresh water fishes, crustacea, whales, porpoises, manatees, mollusca or other marine animal and plant life or fresh water animal and plant life;

“fishery zone” means the fishery zone of Guyana established by section 23;

“fishing” means—

(a) the catching, taking or harvesting of fish;

(b) the attempted catching, taking or harvesting of fish;

(c) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish;

(d) any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b) and (c),

but does not include any scientific research activity which is conducted by a scientific research vessel;

“fishing boat” means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(a) fishing; or

<sup>1</sup> Act No. 10 of 1977, passed by the National Assembly on 3 June 1977, entered into force on 30 June 1977. Text provided by the Permanent Representative of Guyana to the United Nations in a note verbale dated 15 November 1977. Pursuant to Sect. 44 of this Act, the Territorial Waters Jurisdiction Act 1878 of the United Kingdom (partially reproduced in ST/LEG/SER.B/6, p. 355), in so far as it forms part of the law of Guyana ceased to have effect.

(b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing;

“fishing boat of Guyana” means a fishing boat which is registered in Guyana;

“foreign fishing boat” means a fishing boat which is not registered in Guyana;

“miles” means international nautical miles of 1,852 metres each;

“territorial sea” means the territorial sea of Guyana.

#### PART I

##### *The territorial sea*

3. (1) Subject to section 34, the territorial sea comprises those areas of the sea having as their inner limits the baseline referred to in section 7 and as their outer limits the line every point on which is 12 miles from the nearest point of the baseline.

(2) References to the territorial sea in any law shall, in relation to any period after the commencement of the Act, be construed in accordance with subsection (1).

4. The internal waters of Guyana include any areas of the sea that are on the landward side of the baseline of the territorial sea.

5. The sovereignty of Guyana extends and has always extended to the territorial sea and to the sea-bed and subsoil underlying, and the airspace over such sea.

6. (1) Without prejudice to any other written law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage.

(2) For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Guyana.

(3) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial sea after giving prior notice to the Government of Guyana;

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such sea.

(4) The Minister may exercise such powers and take such measures in or in relation to the territorial sea as he may consider necessary in the interest of the peace, good order or security of Guyana or any part thereof, and such measures may include the suspension, whether absolutely or subject to such exceptions and qualifications as he thinks fit, of the entry of all or any class of foreign ships into such area of the territorial sea.

7. (1) The baseline from which the territorial sea shall be measured shall be the low-water line along the coast and, where the coast line is broken by a river, a straight line joining the two points where the low-water line on the coast ends on either side of the river.

(2) The Minister responsible for lands and surveys may by order prescribe geographical co-ordinates of points from which straight lines may be drawn for the purpose of subsection (1).

8. (1) For the purposes of section 7, the low-water line in any specified area shall be the line of the mean low-water springs as depicted on the largest scale Guyana Government nautical chart on record at the Ministry responsible for lands and surveys for the time being of that area or, where no such chart of that area exists, the largest scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any court, a certificate purporting to be signed by the Minister responsible for lands and surveys or a person authorized by him that—

(a) any specified Guyana Government nautical chart of any area is the largest scale chart for the time being of that area; or

(b) no Guyana Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being of that area,

shall be admissible as evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

## PART II

### *The continental shelf*

9. Subject to section 34, the continental shelf (which by virtue of the applied law, that is to say, the British Guiana (Alteration of Boundaries) Order in Council, 1954, was included in the boundaries of Guyana) comprises the sea-bed and subsoil of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Guyana to the outer edge of the continental margin or to a distance of 200 miles from the baseline referred to in section 7, where the outer edge of the continental margin does not extend up to that distance.

10. (1) Guyana has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

(2) Without prejudice to the generality of the provisions of subsection (1) Guyana has in the continental shelf—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research; and

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

11. No person (including a foreign Government) shall, except under and in accordance with the terms of a licence or a letter of authority granted by the Minister responsible for natural resources, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever.

12. The President may by order—

(a) declare any area of the continental shelf and its superjacent waters to be a designated area; and

(b) make such provisions as he may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area;

(ii) the safety and protection of artificial islands, offshore terminals, installations, and other structures and devices in such designated area;

(iii) the protection of the marine environment of such designated area;

(iv) customs and other fiscal matters in relation to such designated area; or

(v) the entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

13. The President may by order—

(a) extend with such restrictions and modifications as he thinks fit any enactment for the time being in force in Guyana or any part thereof to the continental shelf or any part (including any area declared to be a designated area under sect. 12) thereof; and

(b) make such provisions as he may consider necessary for facilitating the enforcement of such an enactment,

and any enactment so extended shall have effect as if the continental shelf or the part (including, as the case may be, any area declared to be a designated area under sect. 12) thereof to which it has been extended is a part of the territory of Guyana.

14. Without prejudice to the provisions of section 10 (1) and subject to any measures that may be necessary for protecting the interests of Guyana, the Government of Guyana may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by



other States; provided, however, that the consent of the Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

### PART III

#### *The exclusive economic zone*

15. The President may, if he considers it necessary or expedient having regard to international law and State practice, by order designate an area beyond and adjacent to the territorial sea an exclusive economic zone.

16. In the exclusive economic zone, Guyana shall have—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, as well as for producing energy from tides, winds and currents;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;

(e) such other rights as are recognized by international law.

17. No person (including a foreign Government) shall, except under and in accordance with the terms of any agreement with the Government of Guyana or of a licence or a letter of authority granted by the Minister responsible for natural resources, explore or exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever:

Provided that nothing in this section shall apply in relation to fishing by a citizen of Guyana.

18. The President may by order—

(a) declare any area of the exclusive economic zone to be a designated area; and

(b) make such provisions as he may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of such designated area;

(ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents;

- (iii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area;
- (iv) the protection of the marine environment of such designated area;
- (v) customs and other fiscal matters in relation to such designated area; or
- (vi) entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

19. The President may by order—

(a) extend, with such restrictions and modifications as he thinks fit, any enactment for the time being in force in Guyana or any part thereof to the exclusive economic zone or any part thereof; and

(b) make such provisions as he may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of Guyana.

20. The provisions of section 14 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the continental shelf.

21. In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by Guyana of its rights within the zone, enjoy freedom of navigation and overflight.

22. Any order made under section 15 may provide for the exclusion or modification in relation to the exclusive economic zone of the provisions of part II and part IV.

#### PART IV

##### *The fishery zone*

23. There is hereby established a fishery zone beyond and adjacent to the territorial sea and bounded on its seaward side by the line every point on which is 200 miles from the nearest point of the baseline of the territorial sea.

24. (1) The Minister responsible for fisheries may wherever it appears to him necessary or convenient by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provisions with respect to the identification and marking of fishing boats and fishing gear.

(2) An order made under subsection (1) applies—

(a) to all fishing boats of Guyana, and things done by such boats and their crews wherever they may be; and

(b) to all foreign fishing boats and things done by such boats and their crews, in waters within the fishery zone.

(3) Where an order made under this section is not complied with in the case of a fishing boat or its crew the master, the owner, and the charterer, if any, are liable on summary conviction in the case of a first conviction under this section to a fine of \$1,000 and in the case of a second or subsequent conviction to a fine of \$2,000.

25. (1) The Minister responsible for fisheries may by order designate any country outside Guyana, and in relation to it, areas within the fishery zone in which, and the descriptions and quantities of fish for which, fishing boats registered in that country may fish.

(2) A foreign fishing boat not registered in a country for the time being designated under subsection (1) shall not enter the fishery zone except for a purpose recognized by international law or by any convention for the time being in force between the Government of Guyana and the Government of the country to which the boat belongs and any such boat which enters the zone for such a purpose—

(a) shall return outside the zone as soon as the purpose has been fulfilled; and

(b) shall not fish while within the zone.

(3) A foreign fishing boat registered in a country designated under subsection (1) shall not fish within the fishery zone except in an area and for the descriptions and quantities of fish for the time being designated in relation to that country.

(4) If this section is contravened in the case of any fishing boat the master of the boat is liable on summary conviction to a fine of \$200,000 and the court may, on convicting him for an offence under this section, order a forfeiture of any fishing gear found in the boat or taken or used by any person from the boat.

(5) This section shall extend to prohibit or restrict fishing by fishing boats registered in a country outside Guyana in any area except with respect to which special provision is made by any arrangement between the Government of Guyana and the Government of that country for fishing by such boats for the purpose of scientific research.

26. The persons appointed fishery officers under the Fisheries Act are fishery officers for the purposes of this Act.

27. (1) For the purpose of enforcing the provisions of this Part or of any orders or regulations made under it a fishery officer may exercise in relation to any fishing boat within the fishery zone and in relation to any fishing boat of Guyana anywhere outside the zone the powers conferred by subsections (2) to (4).

(2) A fishery officer may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may

require the boat to stop and do anything else which may facilitate the boarding of the boat.

(3) A fishery officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (2) and, in particular, may—

(a) examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(b) require any person on board the boat to produce any documents relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

(4) Where it appears to a fishery officer that an offence has been committed under this Act by any person on board any boat he may without any warrant or other process seize the boat together with any net, line, stake, instrument or appliance suspected to have been used in the commission of the offence and detain any person found on board.

(5) Where any vessel or thing is seized or any person is detained under this section the fishery officer shall take such vessel, thing or person as soon as may be to the port which appears to him to be the nearest convenient place, and as soon as practicable thereafter the fishery officer shall lay a complaint in respect of the alleged offence and cause any person detained to be brought before a court of summary jurisdiction.

...

32. (1) Any person who on any fishing boat within the fishery zone or on a fishing boat of Guyana anywhere outside the zone—

(a) fails to comply with any requirement imposed, or to answer any question asked, by a fishery officer under this Act;

(b) prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or

(c) assaults any fishery officer while exercising any of the functions conferred on him by virtue of this Act or obstructs any such officer in the exercise of any of those functions,

is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of \$2,000.

33. Where a fine is imposed by a magistrate's court on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under this Act the court may—

(a) issue a warrant of distress against the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and

(b) if the boat is a foreign fishing boat, order it to be detained for a period of three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant whichever occurs first.

#### PART V

##### *General*

34. The President may, whenever he considers it necessary or expedient so to do having regard to international law and State practice, by order alter the seaward limit of the territorial sea, the continental shelf, the exclusive economic zone and the fishery zone.

35. (1) The maritime boundaries between Guyana and any State whose coast is adjacent to that of Guyana in regard to their respective territorial seas, continental shelves, exclusive economic zones, fishery and other maritime zones shall be determined by agreement between Guyana and such States and pending such agreement shall not extend beyond the line every point of which is equidistant from the nearest point on the baseline from which the breadth of the territorial sea of Guyana and such State is measured.

(2) Every agreement entered into pursuant to subsection (1) shall, as soon as may be after it is entered into, be published in the Gazette.

(3) The provisions of subsection (1) shall have effect notwithstanding anything contained in any other provision of this Act.

...

37. (1) In part II or part III, any act or omission which—

(a) takes place on, under or above an offshore terminal, installation or structure or upon an artificial island in a designated area or any waters within 500 yards of such terminal, installation, structure or island; and

(b) would if taking place in Guyana constitute an offence under the law in force in Guyana,

shall be treated for the purposes of that law as taking place in Guyana.

(2) The Minister responsible for justice may by order make provision for the determination, in accordance with the law in force in Guyana as may be specified in the order, of questions arising out of acts or omissions taking place in a designated area or in any part of such an area, in connexion with the exploration of the sea-bed or subsoil or the exploitation of the natural resources, and for conferring jurisdiction with respect to such questions on courts in any part of Guyana.

...

38. Any person who contravenes or fails to comply with any provision in part II or part III is liable on summary conviction to a fine of \$5,000.

39. (1) Where an offence under this Act or any law made thereunder has been committed by a company, every person who at the time

the offence was committed was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

...

41. (1) The President may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely—

(a) regulation of the conduct of any person in the territorial sea, the continental shelf, the exclusive economic zone or the fishery zone;

(b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;

(c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;

(d) regulation of the construction, maintenance and operation of artificial islands, offshore terminals, installations and other structures and devices referred to in part II and part III;

(e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;

(f) authorization, regulation and control of the conduct of scientific research for the purposes of this Act;

(g) fees in relation to licences and letters of authority referred to in part II and part III or for any other purposes; or

(h) any matter incidental to any of the matters specified in paragraphs (a) to (g).

(3) In making any regulation under this section, the President may provide that a contravention thereof shall be punishable with a fine of \$10,000 and imprisonment for six months.

42. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the President may by order amend any law as appears to him to be necessary or expedient for removing the difficulty.

...

## 17. HAITI

### DÉCLARATION PRÉSIDENTIELLE DU 6 AVRIL 1977 RELATIVE À L'EXTENSION DES EAUX TERRITORIALES ET DE LA ZONE ÉCONOMIQUE EXCLUSIVE<sup>1</sup>

Le Gouvernement de la République d'Haïti, agissant dans la plénitude de la souveraineté nationale et en vertu des droits et pouvoirs que lui confèrent la Constitution et les lois, soucieux de préserver l'intégrité territoriale et de défendre les intérêts supérieurs de la nation dans ses rapports avec les autres Etats de la Caraïbe,

Tenant compte de la nécessité d'assurer l'exploitation, la préservation et la gestion, en toute exclusivité, des ressources naturelles, biologiques, minérales et autres du lit de la mer, du sous-sol et des eaux adjacentes de la République d'Haïti;

Déclare que l'administration, la gestion et l'exploitation de la zone économique relèvent de la compétence exclusive et souveraine des autorités haïtiennes;

Réaffirme comme normes de sa politique internationale la souveraineté et la juridiction exclusive sur les mers qui baignent les côtes de la République;

Rappelle que la mer territoriale d'Haïti s'étend sur une distance de 12 milles marins à partir des îles adjacentes de la République et décide de porter sa zone économique exclusive à 200 milles marins à partir de la ligne de base d'où est mesurée la mer territoriale.

La République d'Haïti exerce sa souveraineté exclusive sur l'espace aérien de son territoire et de ses eaux juridictionnelles jusqu'aux limites ci-dessus fixées.

Ces dispositions entreront en vigueur dès la publication de la présente et seront notifiées par voie diplomatique aux gouvernements des Etats concernés.

Le Gouvernement de la République d'Haïti, qui a toujours manifesté son attachement à l'idéal panaméricain et prôné une effective solidarité hémisphérique, reste disposé à entrer en négociations bilatérales ou multilatérales avec les gouvernements des pays voisins concernés.

## 18. ICELAND

### LAW NO. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF<sup>2</sup>

#### I

#### *The territorial sea*

*Article 1.* The territorial sea of Iceland shall be delimited by a line

<sup>1</sup> Texte transmis par le représentant permanent d'Haïti auprès de l'Organisation des Nations Unies par note en date du 3 mai 1977.

<sup>2</sup> Entered into force immediately pursuant to article 13. English text provided by the Chargé d'Affaires a.i. of the Permanent Mission of Iceland to the United Nations in a letter of 31 July 1979.

every point of which is 12 nautical miles from a baseline drawn between the following points:

1. Horn	66° 27'4 N	22° 24'3 W
2. Asbúðharrif	66° 08'1 N	22° 11'0 W
3. Siglunes	66° 11'9 N	18° 49'9 W
4. Flatey	66° 10'3 N	17° 50'3 W
5. Lágey	66° 17'8 N	17° 06'8 W
6. Raudhinúpur	66° 30'7 N	16° 32'4 W
7. Rifstangi	66° 32'3 N	16° 11'8 W
8. Hraunhafnartangi	66° 32'2 N	16° 01'5 W
9. Langanes	66° 22'7 N	14° 31'9 W
10. Glettinganes	65° 30'5 N	13° 36'3 W
11. Nordhfjardharhorn	65° 10'0 N	13° 30'8 W
12. Gerpir	65° 04'7 N	13° 29'6 W
13. Hólmur	64° 58'9 N	13° 30'6 W
14. Setusker	64° 57'7 N	13° 31'5 W
15. Thursaker	64° 54'1 N	13° 36'8 W
16. Ystibodhi	64° 35'2 N	14° 01'5 W
17. Selsker	64° 32'8 N	14° 07'0 W
18. Hvítningar	64° 23'9 N	14° 28'0 W
19. Stokksnes	64° 14'1 N	14° 58'4 W
20. Hrollaugseyjar	64° 01'7 N	15° 58'7 W
21. Tvísker	63° 55'7 N	16° 11'3 W
22. Ingólfshöfðhi	63° 47'8 N	16° 38'5 W
23. Hvalsíki	63° 44'1 N	17° 33'5 W
24. Medhallandssandur I	63° 32'4 N	17° 55'6 W
25. Medhallandssandur II	63° 30'6 N	17° 59'9 W
26. Mýrnatangi	63° 27'4 N	18° 11'8 W
27. Kötlutangi	63° 23'4 N	18° 42'8 W
28. Lundadrangur	63° 23'5 N	19° 07'5 W
29. Surtsey	63° 17'7 N	20° 36'2 W
30. Eldeyjardrangur	63° 43'8 N	22° 59'4 W
31. Geirfugladrangur	63° 40'7 N	23° 17'1 W
32. Skálasnagi	64° 51'3 N	24° 02'5 W
33. Bjargtangar	65° 30'2 N	24° 32'1 W
34. Kópanes	65° 48'4 N	24° 06'0 W
35. Bardhi	66° 03'7 N	23° 47'4 W
36. Straumnes	66° 25'7 N	23° 08'4 W
37. Kögur	66° 28'3 N	22° 55'5 W
38. Horn	66° 27'9 N	22° 28'2 W

The territorial sea shall moreover be delimited by a line every point of which is 12 nautical miles from the low-water line of Kolbeinsey (67° 08'9 N 18° 41'3 W), Hvalbakur (64° 35'8 N 13° 16'6 W) and the outermost points and rocks of Grímsey.

Each nautical mile shall be equal to 1852 meters.

*Article 2.* The sovereignty of Iceland extends to the territorial sea, the bed of the territorial sea and the superjacent air space.

This sovereignty is exercised in accordance with Icelandic law and the rules of international law.



## II

### *The economic zone*

*Article 3.* The economic zone of Iceland is an area beyond the territorial sea delimited by a line every point of which is 200 nautical miles from the baselines from which the breadth of territorial sea is measured, subject, however, to the provisions of article 7.

*Article 4.* In the economic zone, Iceland has:

(a) sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction with regard to:

(i) the establishment and use of man-made structures;

(ii) scientific research;

(iii) the preservation of the marine environment;

(c) other rights and duties under international law.

The exercise of rights and the performance of duties in the economic zone shall be in accordance with special legislation and in conformity with international agreements to which Iceland is a party.

## III

### *The continental shelf*

*Article 5.* The continental shelf of Iceland comprises the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the 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, subject, however, to the provisions of article 7.

*Article 6.* Iceland exercises over the continental shelf sovereign rights for the purpose of exploring and exploiting the non-living resources thereof, together with living organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in physical contact with the sea-bed.

The authorities concerned shall issue regulations concerning the exploration and exploitation of the resources of the continental shelf.

## IV

### *Delimitation of areas between States*

*Article 7.* The delimitation of the economic zone and the continental shelf between Iceland and other States shall, where appropriate, be effected by agreement with the States concerned. Such agreements shall be subject to approval by the Althing.

Until otherwise decided, the economic zone and the continental shelf of Iceland shall be 200 nautical miles from the baselines from which the territorial sea is measured, provided, however, that where the distance is less than 400 nautical miles between the baselines of the Faroe Islands and Greenland on the one hand and of Iceland on the other hand, the economic zone and the continental shelf of Iceland shall be delimited by the equidistant line.

## V

*Measures to prevent pollution*

*Article 8.* Any measures which might pollute or otherwise damage the marine environment shall be avoided.

The Icelandic authorities concerned shall, by special legislation and in conformity with international agreements to which Iceland is a party, take measures to protect the marine environment against pollution and other harmful effects.

## VI

*Scientific research*

*Article 9.* Scientific research in the territorial sea, the economic zone and the continental shelf shall be subject to the consent of the Icelandic authorities concerned.

In normal circumstances such consent shall be granted for research projects within the economic zone or on the continental shelf if the application emanates from another State or a competent international organization and the research project is to be carried out for peaceful purposes and in order to increase knowledge of the marine environment. Consent may, *inter alia*, be withheld if the application:

- (a) is of direct significance for the exploration and exploitation of resources, whether living or non-living;
- (b) involves drilling into the continental shelf or the use of explosives or substances harmful to the environment;
- (c) involves the construction, operation or use of man-made structures.

*Article 10.* An application for a research permit in accordance with article 9 shall be submitted not less than six months in advance of the expected starting date of the project and shall be accompanied by full particulars concerning:

- (a) the nature and objectives of the research project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the activities are to be conducted;
- (d) the commencement and termination of the research period;

(e) the name of the sponsoring institution, its director, and the person in charge of the research project;

(f) the anticipated participation of the Icelandic authorities in the research project.

The Icelandic authorities shall communicate their decision on an application within four months if consent is to be withheld.

## VII

### *General provisions*

*Article 11.* Violations of the provisions of this Law shall be subject to penalties prescribed in prevailing legislation.

*Article 12.* Law No. 17 of 1 April 1969 concerning the continental shelf of Iceland hereby ceases to be in force. Furthermore, such provisions of law as are incompatible with this Law also cease to be in force.

## 19. INDIA

### TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976<sup>1</sup>

1. (1) This Act may be called the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

(2) Sections 5 and 7 shall come into force on such date or on such different dates as the Central Government may, by notification in the *Official Gazette*, appoint; and the remaining provisions of this Act shall come into force at once.

2. In this Act, "limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or any other maritime zone of India, means the limit of such waters, shelf or zone with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India.

3. (1) The sovereignty of India extends and has always extended to the territorial waters of India (hereinafter referred to as the territorial waters) and to the sea-bed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of 12 nautical miles from the nearest point of the appropriate baseline.

(3) Notwithstanding anything contained in subsection (2), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the *Official Gazette*, the limit of the territorial waters.

<sup>1</sup> *The Gazette of India Extraordinary*, part II, sect. 2, of 28 May 1976, pp. 971-979.

(4) No notification shall be issued under subsection (3) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

4. (1) Without prejudice to the provisions of any other law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.

*Explanation.* For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of India.

(2) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial waters after giving prior notice to the Central Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) The Central Government may, if satisfied that it is necessary so to do in the interests of the peace, good order or security of India or any part thereof, suspend, by notification in the *Official Gazette*, whether absolutely or subject to such exceptions and qualifications as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

5. (1) The contiguous zone of India (hereinafter referred to as the contiguous zone) is an area beyond and adjacent to the territorial waters and the limit of the contiguous zone is the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline referred to in subsection (2) of section 3.

(2) Notwithstanding anything contained in subsection (1), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the *Official Gazette*, the limit of the contiguous zone.

(3) No notification shall be issued under subsection (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) The Central Government may exercise such powers and take such measures in or in relation to the contiguous zone as it may consider necessary with respect to:

- (a) the security of India, and
- (b) immigration, sanitation, customs and other fiscal matters.

(5) The Central Government may, by notification in the *Official Gazette*—

(a) extend with such restrictions and modifications as it thinks fit, any enactment, relating to any matter referred to in clause (a) or clause (b) of subsection (4), for the time being in force in India or any part thereof, to the contiguous zone, and

(b) make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

6. (1) The continental shelf of India (hereinafter referred to as the continental shelf) comprises the sea-bed and subsoil of the submarine areas that extend beyond the limit of its territorial waters 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 baseline referred to in subsection (2) of section 3 where the outer edge of the continental margin does not extend up to that distance.

(2) India has, and always had, full and exclusive sovereign rights in respect of its continental shelf.

(3) Without prejudice to the generality of the provisions of subsection (2), the Union has in the continental shelf—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research; and

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(4) No person (including a foreign Government) shall, except under, and in accordance with, the terms of a licence or a letter of authority granted by the Central Government, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever.

(5) The Central Government may, by notification in the *Official Gazette*—

(a) declare any area of the continental shelf and its superjacent waters to be a designated area; and

(b) make such provisions as it may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area; or

(ii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area; or

- (iii) the protection of marine environment of such designated area; or
- (iv) customs and other fiscal matters in relation to such designated area.

*Explanation.* A notification issued under this subsection may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(6) The Central Government may, by notification in the *Official Gazette*—

(a) extend with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the continental shelf or any part [including any designated area under subsection (5)] thereof; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the continental shelf or the part [including, as the case may be, any designated area under subsection (5)] thereof to which it has been extended is a part of the territory of India.

(7) Without prejudice to the provisions of subsection (2) and subject to any measures that may be necessary for protecting the interests of India, the Central Government may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by foreign States:

Provided that the consent of the Central Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

7. (1) The exclusive economic zone of India (hereinafter referred to as the exclusive economic zone) is an area beyond and adjacent to the territorial waters, and the limit of such zone is 200 nautical miles from the baseline referred to in subsection (2) of section 3.

(2) Notwithstanding anything contained in subsection (1), the Central Government may, whenever it considers necessary so to do having regard to International law and State practice, alter, by notification in the *Official Gazette*, the limit of the exclusive economic zone.

(3) No notification shall be issued under subsection (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) In the exclusive economic zone, the Union has—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other

structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized by International law.

(5) No person (including a foreign Government) shall, except under, and in accordance with, the terms of any agreement with the Central Government or of a licence or a letter of authority granted by the Central Government, explore or exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever:

Provided that nothing in this subsection shall apply in relation to fishing by a citizen of India.

(6) The Central Government may, by notification in the *Official Gazette*—

(a) declare any area of the exclusive economic zone to be a designated area; and

(b) make such provisions as it may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of such designated area; or

(ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents; or

(iii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area; or

(iv) the protection of marine environment of such designated area; or

(v) customs and other fiscal matters in relation to such designated area.

*Explanation.* A notification issued under this subsection may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(7) The Central Government may, by notification in the *Official Gazette*—

(a) extend, with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the exclusive economic zone or any part thereof; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of India.

(8) The provisions of subsection (7) of section 6 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the continental shelf.

(9) In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by India of its rights within the zone, enjoy freedom of navigation and overflight.

(8) (1) The Central Government may, by notification in the *Official Gazette*, specify the limits of such waters adjacent to its land territory as are the historic waters of India.

(2) The sovereignty of India extends, and has always extended, to the historic waters of India and to the sea-bed and subsoil underlying, and the air space over, such waters.

9. (1) The maritime boundaries between India and any State whose coast is opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves, exclusive economic zones and other maritime zones shall be as determined by agreement (whether entered into before or after the commencement of this section) between India and such State and pending such agreement between India and any such State, and unless any other provisional arrangements are agreed to between them, the maritime boundaries between India and such State shall not extend beyond the line every point of which is equidistant from the nearest point from which the breadth of the territorial waters of India and of such State are measured.

(2) Every agreement referred to in subsection (1) shall, as soon as may be after it is entered into, be published in the *Official Gazette*.

(3) The provisions of subsection (1) shall have effect notwithstanding anything contained in any other provision of this Act.

10. The Central Government may cause the baseline referred to in subsection (2) of section 3, the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the historic waters of India and the maritime boundaries as settled by agreements referred to in section 9 to be published in charts.

11. Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine, or with both.



12. (1) Where an offence under this Act or the rules made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) where an offence under this Act or the rules made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

13. Any person committing an offence under this Act or any rules made thereunder or under any of the enactments extended under this Act or under the rules made thereunder may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the *Official Gazette*, direct in this behalf.

14. No prosecution shall be instituted against any person in respect of any offence under this Act or the rules made thereunder without the previous sanction of the Central Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

15. (1) The Central Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;

(b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;

(c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;

(d) regulation of the construction, maintenance and operation of artificial islands, offshore terminals, installations and other structures and devices referred to in sections 6 and 7;

(e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;

(f) authorization, regulation and control of the conduct of scientific research for the purposes of this Act;

(g) fees in relation to licences and letters of authority referred to in subsection (4) of section 6 and subsection (5) of section 7 or for any other purpose; or

(h) any matter incidental to any of the matters specified in clauses (a) to (g).

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with imprisonment which may extend to three years, or with fine which may extend to any amount, or with both.

(4) Every rule made under this Act and every notification issued under subsection (5) of section 6 or subsection (6) of section 7 shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of 30 days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

16. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the Central Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act or, as the case may be, such enactment, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section—

(a) in the case of any difficulty arising in giving effect to any provision of this Act, after the expiry of three years from the commencement of such provision;

(b) in the case of any difficulty arising in giving effect to the provisions of any enactment extended under this Act, after the expiry of three years from the extension of such enactment.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## 20. IRAN

DÉCRET-LOI, 1973<sup>1</sup>

## I

La ligne de base, prévue par la loi du 22 Farvardine 1338 (12 avril 1959) portant modification de la loi du 24 Tir 1313 (15 juillet 1934) relative aux limites des eaux territoriales et de la zone contiguë de l'Iran, est déterminée comme suit :

A. — Des lignes droites qui réunissent les points suivants :

1) *Point 1*, situé au point d'intersection du Thalweg du Chatt-El Arab avec la ligne droite reliant les deux rives de l'embouchure du Chatt-El Arab à la laisse de basse mer.

2) *Point 2*, situé à l'embouchure du Behregân, et dont les coordonnées géographiques sont : 49° 33' 55" de longitude est, et 29° 59' 50" de latitude.

3) *Point 3*, situé au sud de l'île de Kharg, et dont les coordonnées géographiques sont : 50° 18' 40" de longitude est, et 29° 12' 29" de latitude.

4) *Point 4*, situé au sud de l'île de Nakhilu, et dont les coordonnées géographiques sont : 51° 27' 15" de longitude est, et 27° 50' 40" de latitude.

5) *Point 5*, situé à l'île de Lavan, et dont les coordonnées géographiques sont : 53° 13' 00" de longitude est, et 26° 47' 25" de latitude.

6) *Point 6*, situé au sud-ouest de l'île de Kish, et dont les coordonnées géographiques sont : 53° 55' 10" de longitude est, et 26° 30' 55" de latitude.

7) *Point 7*, situé au sud-est de l'île de Kish, et dont les coordonnées géographiques sont : 53° 59' 20" de longitude est, et 26° 30' 10" de latitude.

8) *Point 8*, situé à Rass-o-Shenas, et dont les coordonnées géographiques sont : 54° 47' 20" de longitude est, et 26° 29' 35" de latitude.

9) *Point 9*, situé au sud-ouest de l'île de Qeshm, et dont les coordonnées géographiques sont : 55° 16' 55" de longitude est, et 26° 32' 25" de latitude.

10) *Point 10*, situé au sud de l'île de Hengam, et dont les coordonnées géographiques sont : 55° 51' 50" de longitude est, et 26° 36' 40" de latitude.

11) *Point 11*, situé au sud de l'île de Larak, et dont les coordonnées géographiques sont : 56° 21' 50" de longitude est, et 26° 49' 30" de latitude.

12) *Point 12*, situé à l'est de l'île de Larak, et dont les coordonnées géographiques sont : 56° 24' 05" de longitude est, et 26° 51' 15" de latitude.

13) *Point 13*, situé à l'est de l'île d'Hormoz, et dont les coordonnées géographiques sont : 56° 29' 40" de longitude est, et 27° 02' 30" de latitude.

14) *Point 14*, dont les coordonnées géographiques sont : 56° 35' 40" de longitude est, et 27° 08' 30" de latitude.

<sup>1</sup> Approuvé par le Conseil des Ministres le 21 juillet 1973. Texte français transmis par la mission permanente de l'Iran auprès de l'Organisation des Nations Unies par une note verbale en date du 28 décembre 1978.

15) *Point 15*, dont les coordonnées géographiques sont : 57° 19' 55" de longitude est, et 25° 47' 10" de latitude.

16) *Point 16*, dont les coordonnées géographiques sont : 57° 45' 30" de longitude est, et 25° 38' 10" de latitude.

17) *Point 17*, dont les coordonnées géographiques sont : 58° 05' 20" de longitude est, et 25° 33' 20" de latitude.

18) *Point 18*, dont les coordonnées géographiques sont : 59° 05' 40" de longitude est, et 25° 24' 05" de latitude.

19) *Point 19*, dont les coordonnées géographiques sont : 59° 35' 00" de longitude est, et 25° 23' 45" de latitude.

20) *Point 20*, dont les coordonnées géographiques sont : 60° 12' 10" de longitude est, et 25° 19' 20" de latitude.

21) *Point 21*, dont les coordonnées géographiques sont : 60° 24' 50" de longitude est, et 25° 17' 25" de latitude.

22) *Point 22*, dont les coordonnées géographiques sont : 60° 27' 30" de longitude est, et 25° 16' 36" de latitude.

23) *Point 23*, dont les coordonnées géographiques sont : 60° 36' 40" de longitude est, et 25° 16' 20" de latitude.

24) *Point 24*, dont les coordonnées géographiques sont : 61° 25' 00" de longitude est, et 25° 03' 30" de latitude.

25) *Point 25*, situé au point d'intersection du méridien de longitude est 61° 37' 03" et de la ligne droite reliant les rives d'entrée du Golfe de Gwatar à la laisse de basse mer.

B. — Entre les points 6 et 7, situés sur l'île de Kish, les points 11 et 12, situés sur l'île de Larak, et les points 14 et 15, situés dans le détroit d'Hormoz, la ligne de base sera constituée par la laisse de basse mer.

## II

La ligne de base servant à mesurer la largeur de la mer territoriale de l'Iran a été reportée sur la Carte du Golfe Persique publiée en première édition en Shahrivar 1349 (septembre 1970) par l'Organisation Géographique Nationale de l'Iran, à l'échelle de 1/1 500 000<sup>e</sup> et jointe au présent décret. L'original du décret est conservé à la Présidence du Conseil des Ministres.

## 21. JAPAN

(a) LAW NO. 30 OF 2 MAY 1977 ON THE TERRITORIAL SEA<sup>1</sup>

*(Extent of the territorial sea)*

*Article 1.* 1. The territorial sea of Japan comprises the areas of the sea extending from the baseline to the line 12 nautical miles seaward

<sup>1</sup> Entered into force on 1 July 1977 by Cabinet Order No. 209 of 17 June 1977. Unofficial English text provided by the Permanent Representative of Japan to the United Nations in a note verbale dated 27 June 1977.

thereof. Provided that, where any part of that line as measured from the baseline lies beyond the median line, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

2. The median line referred to in the preceding paragraph shall be the line every point of which is equidistant from the nearest point on the baseline and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured.

*(Baseline)*

*Article 2.* 1. The baseline shall be the low-water line and the straight line drawn across the mouth of or within a bay, or across the mouth of a river. Provided that, with respect to the Seto Naikai, which is internal waters, the baseline shall be the lines prescribed by Cabinet Order as the boundaries with other areas of the sea adjacent thereto.

2. The criteria to be used when employing as the baseline the lines provided for in the main part of the preceding paragraph and any other matters necessary for the drawing of the baseline shall be prescribed by Cabinet Order.<sup>1</sup>

*Supplementary provisions*

...

*(Extent of the territorial sea pertaining to the designated areas)*

2. For the time being, the provisions of article 1 shall not apply to the Soya Strait, the Tsugaru Strait, the eastern channel of the Tsushima Strait, the western channel of the Tsushima Strait and the Osumi Strait (including areas of the sea which are adjacent to these waters and which are recognized as forming respectively integral parts thereof from the point of view of the course normally used for navigation by vessels; hereinafter referred to as "designated areas"). The territorial sea pertaining to the designated areas shall be respectively the areas of the sea extending from the baseline to the line three nautical miles seaward thereof and to the line drawn connecting with the said line.

3. The limits of the designated areas and the lines referred to in the preceding paragraph shall be prescribed by Cabinet Order.

(b) ENFORCEMENT ORDER<sup>2</sup> OF 17 JUNE 1977 OF LAW No. 30 OF 2 MAY 1977 ON THE TERRITORIAL SEA<sup>3</sup>

*(Boundaries of the Seto Naikai with other areas of the sea)*

*Article 1.* The lines prescribed by Cabinet Order provided for in the proviso to article 2, paragraph 1, of the Law on the Territorial Sea (hereinafter referred to as "the Law") shall be the following:

<sup>1</sup> See *infra* (b).

<sup>2</sup> Cabinet Order No. 210 of 17 June 1977, issued in accordance with the provisions of article 2 of the Law on the Territorial Sea (see *supra* (a)) and para. 3 of the Supplementary Provisions of the same law. Pursuant to its supplementary provisions the Cabinet Order entered into force on 1 July 1977. Unofficial English text provided by the Permanent Representative of Japan to the United Nations in a note verbale dated 24 August 1977.

<sup>3</sup> *Supra* (a).

(1) The line drawn from the Kii Hi-no-Misaki Lighthouse (33° 52' 42" North Latitude, 135° 3'50" East Longitude) to the Kamoda Misaki Lighthouse (33° 49' 50" North Latitude, 134° 45' 8" East Longitude);

(2) The line drawn from the Sada Misaki Lighthouse (33° 20' 24" North Latitude, 132° 1' East Longitude) to the Seki Saki Lighthouse (33° 15' 48" North Latitude, 131° 54' 20" East Longitude);

(3) The line drawn from Daiba Hana (33° 56' 50" North Latitude, 130° 52' 27" East Longitude) on Takenoko Sima to the Wakamatu Dokai Wan Entrance Breakwater Lighthouse (33° 56' 17" North Latitude, 130° 51' 11" East Longitude).

*(Baseline)*

*Article 2.* Excluding the Seto Naikai, which is internal waters, the baseline shall be the low-water line along the coast (or, if a river flows directly into the sea, a straight line across the mouth of the river between points on the low-tide line of its banks; the same shall apply hereinafter). Provided that, with respect to bays, referred to in each of the following subparagraphs, low-water line along the coast which is within the straight line (or lines) prescribed in the subparagraphs shall not be used as the baseline, the straight line (or lines) prescribed in the relevant subparagraphs being the baseline.

(1) Bays in which the distance between the low-water marks at the natural entrance points (where, because of the presence of islands, there is more than one natural entrance point, the sum total of the distances between the low-water marks at each natural entrance point; the same shall apply in the following subparagraph) does not exceed 24 nautical miles: the straight line joining the low-water marks at the natural entrance points.

(2) Bays in which the distance between the low-water marks at the natural entrance points exceeds 24 nautical miles: the straight line 24 nautical miles in length joining two points on the low-water line along the coast within the bay which, with the low-water line along the shore, will enclose the maximum area of water.

2. The low-water line on a low-tide elevation which, when the lines laid down in the subparagraphs of the preceding article and in the preceding paragraph are used as the baseline, is situated wholly or partly within the area of water which is included in the territorial sea shall be the baseline.

3. By bays and islands, in paragraph 1, and low-tide elevations, in the preceding paragraph, are meant bays, islands, and low-tide elevations as defined in, respectively, article 7, paragraph 2, article 10, paragraph 1, and article 11, paragraph 1, of the Convention on the Territorial Sea and the Contiguous Zone.

4. The low-water line along the coast referred to in paragraph 1 and the low-water line of a low-tide elevation referred to in paragraph 2, shall be the lines marked on large-scale charts published by the Maritime Safety Agency.

*(Limits on the designated areas)*

*Article 3.* The limits of the designated areas prescribed in paragraph 2 of the Supplementary Provisions of the Law shall be the limits of the areas of the sea (the territorial sea of a foreign country being excluded therefrom) prescribed in the B sections of the annexed schedule.

*(Outer limit of the territorial sea pertaining to the designated areas)*

*Article 4.* The lines referred to in paragraph 2 of the Supplementary Provisions of the Law shall be the lines prescribed in the C sections of the annexed schedule.

## ANNEXED SCHEDULE (WITH REFERENCE TO ARTICLE 3 AND ARTICLE 4)

## A

*Designated area pertaining to the Soya Strait*

## B

The area of the sea enclosed by the following lines:

- (1) The line drawn at an angle of 105 degrees from the Sōya Misaki Lighthouse (45° 31' 9" North Latitude, 141° 56' 25" East Longitude);
- (2) The line drawn at an angle of 15 degrees from the first intersection of the line referred to in the preceding subparagraph with the line which is twelve nautical miles seaward of the baseline (hereinafter referred to as "the twelve-nautical mile line");
- (3) The line drawn at an angle of 285 degrees from the Sōya Misaki Lighthouse;
- (4) The line drawn at an angle of 15 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (5) The line drawn at an angle of 105 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical mile line.

## C

The line within the designated area drawn at a distance of three nautical miles seaward of the baseline (hereinafter referred to as "the three-nautical mile line"), and the lines pertaining to the designated area referred to in subparagraph (1) and subparagraph (3) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

## A

*Designated area pertaining to the Tsugary Strait*

## B

The area of the sea enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 90 degrees from the Oma Saki Lighthouse (41° 33' 7" North Latitude, 140° 54' 55" East Longitude);

- (2) The line drawn at an angle of 0 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (3) The line drawn at an angle of 175 degrees from the Oma Saki Lighthouse to the Simokita Peninsula;
- (4) The line drawn at an angle of 67.5 degrees from the Tappi Saki Lighthouse (41° 15' 21" North Latitude, 140° 20' 45" East Longitude) to the Simokita Peninsula;
- (5) The line drawn at an angle of 235 degrees from the Tappi Saki Lighthouse;
- (6) The line drawn at an angle of 235 degrees from the Sirakami Misaki Lighthouse (41° 23' 44" North Latitude, 140° 12' 3" East Longitude);
- (7) The line drawn at an angle of 145 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (8) The line drawn from the Kattosi Misaki Lighthouse (41° 44' 22" North Latitude, 140° 36' 11" East Longitude) to the southernmost point of Obana Saki;
- (9) The line drawn at an angle of 90 degrees from the Siokubi Misaki Lighthouse (41° 42' 31" North Latitude, 140° 58' 4" East Longitude).

## C

The three-nautical mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (5), subparagraph (6), and subparagraph (9) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

## A

*Designated area pertaining to the western channel of the Tsushima Strait*

## B

The area of the sea enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 53 degrees from the Mitu Sima Lighthouse (34° 43' 15" North Latitude, 129° 26' 48" East Longitude);
- (2) The line drawn at an angle of 323 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (3) The line drawn at an angle of 233 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical mile line;
- (4) The line drawn from the Mitu Sima Lighthouse to the northernmost point of Kunosita Saki;
- (5) The line drawn from the westernmost point of Komatu Saki to the Kō Saki Lighthouse (34° 19' 41" North Latitude, 129° 12' 25" East Longitude);
- (6) The line drawn at an angle of 229 degrees from the Kō Saki Lighthouse;



- (7) The line drawn at an angle of 287 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (8) The line drawn at an angle of 17 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical mile line.

## C

The three-nautical mile line within the designated area, and the line pertaining to the designated area referred to in subparagraph (1) above (but limited to that part between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

## A

*Designated area pertaining to the eastern channel of the Tsushima Strait*

## B

The area of the sea enclosed by the following lines:

- (1) The line drawn at an angle of 49 degrees from the Wakamiya Lighthouse (33° 51' 57" North Latitude, 129° 41' 20" East Longitude);
- (2) The line drawn at an angle of 229 degrees from the Wakamiya Lighthouse;
- (3) The line drawn at an angle of 49 degrees from the Kō Saki Lighthouse (34° 4' 52" North Latitude, 129° 12' 58" East Longitude);
- (4) The line drawn at an angle of 229 degrees from the Kō Saki Lighthouse;
- (5) The line drawn from the first intersection of the line referred to in subparagraph (1) with the twelve-nautical mile line to the first intersection of the line referred to in subparagraph (3) with the twelve-nautical mile line;
- (6) The line drawn from the first intersection of the line referred to in subparagraph (2) with the twelve-nautical mile line to the intersection of the line referred to in subparagraph (4) with the twelve-nautical mile line.

## C

The three-nautical mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (2), and subparagraph (3) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

## A

*Designated area pertaining to the Osumi Strait*

## B

The area of the sea enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 60 degrees from the Kisika Saki Lighthouse (30° 49' 55" North Latitude, 131° 3' 30" East Longitude);

- (2) The line drawn from the Kisika Saki Lighthouse to the Mage Sima Lighthouse (30° 45' 44" North Latitude, 130° 51' 30" East Longitude);
- (3) The line drawn from the southwesternmost point of Mage Sima to the southeasternmost point of Kuti-no-Erabu Sima;
- (4) The line drawn at an angle of 240 degrees from the westernmost point of Kuti-no-Erabu Sima;
- (5) The line drawn at an angle of 330 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (6) The line drawn at an angle of 240 degrees from the southernmost point of Yu Se (30° 44' 40" North Latitude, 130° 6' 24" East Longitude);
- (7) The line drawn from the southernmost point of Yu Se to the southernmost point of Yakuro Se (30° 43' 16" North Latitude, 130° 19' 14" East Longitude);
- (8) The line drawn from the southernmost point of Yakuro Se to the southeasternmost point of Take Sima;
- (9) The line drawn from the southeasternmost point of Take Sima to the Sata Misaki Lighthouse (30° 59' 19" North Latitude, 130° 39' 42" East Longitude);
- (10) The line drawn from the Hi Saki Lighthouse (31° 16' 39" North Latitude, 131° 8' 2" East Longitude) to the Toi Misaki Lighthouse (31° 21' 49" North Latitude, 131° 20' 53" East Longitude);
- (11) The line drawn at an angle of 60 degrees from the Toi Misaki Lighthouse;
- (12) The line drawn at an angle of 150 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line.

### C

The three-nautical mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (2), subparagraph (3), subparagraph (4), subparagraph (6), subparagraph (7), subparagraph (8), subparagraph (9), and subparagraph (11) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line or another point of intersection with the three-nautical mile line).

## 22. MALTA

### (a) TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT) ACT, 1975<sup>1</sup>

1. This Act may be cited as the Territorial Waters and Contiguous Zone (Amendment) Act, 19zz 123456 7890\$ 123456 7890\$. . 123456 789

<sup>1</sup>No. XLVI of 1975; 21 October 1975. Assented to by the President on 24 October 1975. Text provided by the Acting Permanent Representative of Malta to the United Nations in his letter of 10 November 1975.

with the Territorial Waters and Contiguous Zone Act, 1971<sup>1</sup> hereinafter referred to as "the principal Act".

2. For the words "twelve nautical miles" wherever they occur in subsection (2) of section 3 and in subsection (2) of section 4 of the principal Act there shall be substituted in each case the words "twenty nautical miles".

(b) TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT) ACT, 1978<sup>2</sup>

1. This Act may be cited as the Territorial Waters and Contiguous Zone (Amendment) Act, 1978, and shall be read and construed as one with the Territorial Waters and Contiguous Zone Act, 1971<sup>1</sup>, hereinafter referred to as "the principal Act".

2. Section 3 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof for the words "six nautical miles" there shall be substituted the words "twelve nautical miles"; and

(b) in subsection (2) thereof for the words "twenty nautical miles" there shall be substituted the words, "twenty-five nautical miles".

3. In subsection (2) of section 4 of the principal Act for the words "twenty nautical miles" there shall be substituted the words "twenty-four nautical miles".

## 23. NEW ZEALAND

(a) TOKELAU (TERRITORIAL SEA AND FISHING ZONE) ACT, 1976<sup>3</sup>

...

2. *Interpretation.* In this Act, unless the context otherwise requires—  
"Court" means the High Court of Niue;

"Fish" means any marine animal of any kind whatsoever; and includes shellfish, crustaceans, sponge, holothurian (*bêche-de-mer*), and turtle; and also includes the young and eggs of any fish as herein defined;

"Fishing" means taking, hunting, pursuing, catching, killing, or possessing any fish, or attempting to do any of these things;

"Foreign fishing boat" means any vessel of whatever size and however propelled which is used in fishing or for the processing or storage of fish for the purposes of sale and which is owned or controlled by a person or

<sup>1</sup> Reproduced in ST/LEG/SER.B/16, p. 16.

<sup>2</sup> No. XXIV of 1978; 18 July 1978. Assented to by the President on 21 July 1978. Text provided by the Acting Permanent Representative of Malta to the United Nations in his letter of 1 September 1978.

<sup>3</sup> 1976. No. 140, deemed part of the Tokelau Act 1948, enacted by the General Assembly of New Zealand on 10 December 1976. Text transmitted by the Permanent Representative of New Zealand to the United Nations in a note verbale of 29 June 1977.

persons not ordinarily resident in Tokelau; but does not include any canoe or other vessel of any kind whatsoever used for the transport of fish or fish products as part of its general cargo;

“Foreshore” means all land lying between the high-water line at mean high-water spring tides and the low-water line at mean low-water spring tides;

“Low-water line” means the line of low-water at mean low-water spring tides;

“Nautical mile” means the international nautical mile.

3. *Internal waters.* The internal waters of Tokelau include any areas of the sea that are on the landward side of the baseline of the territorial sea of Tokelau.

4. *The territorial sea.* The territorial sea of Tokelau comprises those areas of the sea having, as their inner limits, the baseline described in section 5 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant three nautical miles from the nearest point of that baseline.

5. *Baseline of the territorial sea.* The baseline from which the breadth of the territorial sea of Tokelau is measured shall be the low-water line along the seaward edge of the reef, except that where there is a break or passage through or over the reef, the baseline shall be a straight line joining the entrance points of that break or passage.

6. *Foreshore, bed of internal waters, and of territorial sea vested in the Crown.* (1) The sea-bed and subsoil of the submarine areas of the internal waters of Tokelau shall be deemed to be and always to have been vested in the Crown. (2) The foreshore of Tokelau and the sea-bed and subsoil of the territorial sea as defined in section 4 of this Act shall be deemed to be and always to have been vested in the Crown.

7. *Fishing zone.* The fishing zone of Tokelau comprises those areas of the sea contiguous to the territorial sea of Tokelau and having, as their inner limits, the outer limits of the territorial sea, and, as their outer limits, a line measured seaward from those inner limits every point of which is distant nine nautical miles from the nearest point of the inner limit line.

8. *Foreign fishing boats not to engage in fishing within territorial sea or fishing zone.* (1) No foreign fishing boat shall engage in fishing in the territorial sea or fishing zone of Tokelau. (2) If any foreign fishing boat is used in breach of subsection (1) of this section, the owner, the charterer (if any), the master, and every member of its crew each commits an offence, and is liable—

(a) In the case of an offence committed by the owner, charterer, or master, to a fine not exceeding \$5,000;

(b) In the case of an offence committed by any member of the crew, to a fine not exceeding \$500.

(3) The Court, on the conviction of the owner, the charterer (if any), the master, or any member of the crew of a foreign fishing boat of an offence under this section, may also order—

(a) The detention (for a specified period) of the foreign fishing boat and of any fish, tackle, engines, nets, gear, apparatus, cargo, and stores thereon or forming part of its equipment, pending the payment of the fine or fines imposed, and the forfeiture to the Crown of that fishing boat, and of any such fish, tackle, engines, nets, gear, apparatus, cargo, and stores, or any one of them, if the fine or fines imposed are not paid within that specified period; or

(b) The immediate forfeiture to the Crown of the foreign fishing boat and of any fish and tackle, engines, nets, gear, apparatus, cargo, and stores, or any one of them

...

(b) TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT, 1977<sup>1</sup>

1. *Short title and commencement*—(1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1977.

(2) Section 29 of this Act shall come into force on the passing of this Act.

(3) Except as provided in subsection (2) of this section, the provisions of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

(4) For the purposes of subsection (3) of this section, one or more Orders in Council may be made—

(a) Bringing different provisions of this Act into force on different dates; and

(b) Bringing provisions of this Act into force on different dates in respect of specified parts of New Zealand.

2. *Interpretation*—(1) In this Act, unless the context otherwise requires—

“Bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation (for the purposes of which definition—

(a) The area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and

(b) Where, because of the presence of islands, an indentation has more than one mouth, the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and

<sup>1</sup> Of 26 September 1977. Text provided by the Permanent Representative of New Zealand to the United Nations in a note verbale of 18 December 1978.

(c) In calculating the area of an indentation, the area of any islands lying within it shall be treated as part of the area of the indentation):

“Exclusive economic zone” and “zone” mean the exclusive economic zone of New Zealand described in section 9 of this Act;

“Fish” means every description of fish and shellfish and their young or fry or spawn, except sedentary species as described in paragraph (b) of the definition of the term “natural resources” in section 2 of the Continental Shelf Act 1964;<sup>1</sup>

“Fishery” means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;

“Fishing” means—

(a) Taking any fish; or

(b) Engaging in any activity relating to the taking of any fish, including (*inter alia*) any activity involving the preparation, supply, storage, refrigeration, transportation, or processing of any fish; or

(c) Engaging in any activity relating to the provision of any services to any fishing craft to enable or assist that craft to engage in fishing;

“Fishing craft” means any vessel, aircraft, hovercraft, submersible craft, or other craft, of whatever size, that is capable of being used for fishing;

“Foreign fishing craft” means any fishing craft that is not a New Zealand fishing craft;

“Highly migratory species” means species that, in the course of their life cycle, migrate over great distances of ocean;

“International agreement” means any bilateral or multilateral treaty, convention, or agreement, to which New Zealand is a party, and any understanding concluded by the Government of New Zealand and the government of any other country;

“Island” means a naturally formed area of land that is surrounded by and above water at mean high-water spring tides;

“Licence” means a licence issued under section 15 of this Act in respect of a foreign fishing craft; and “licensed” has a corresponding meaning;

“Licensee” means the person to whom a licence is issued;

“Low-tide elevation” means a naturally formed area of land that is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

“Master”, in relation to a fishing craft, means the person for the time being having command or charge of the craft;

“Median line”, as between New Zealand and any other country, means a line every point of which is equidistant from the nearest points of the

<sup>1</sup> Reproduced in ST/LEG/SER.B/15, p. 389.

baseline of the territorial sea of New Zealand and the corresponding baseline of that other country;

“Minister” means the Minister of Fisheries;

“Nautical mile” means the international nautical mile of 1,852 metres;

“New Zealand” (except for the purposes of Part II of this Act and section 29 of this Act) includes the Ross Dependency;

“New Zealand fisheries waters” has the same meaning as it has in section 2 (1) of the Fisheries Act 1908;

“New Zealand fishing craft” means a fishing craft—

(a) That is a New Zealand ship within the meaning of section 2 (1) of the Shipping and Seamen Act 1952; or

(b) That is an aircraft registered in New Zealand under the Civil Aviation Act 1964; or

(c) In which no person who is not a New Zealand citizen has any legal or equitable interest (except by way of security only for any advance made by him to the owner);

“New Zealand Government ship” has the same meaning as it has in section 2 (1) of the Shipping and Seamen Act 1952;

“Owner”, in relation to a fishing craft, includes any body of persons, whether incorporated or not, by whom the craft is owned, and any charterer, sub-charterer, lessee, or sub-lessee of the craft;

“Prescribed” means prescribed by regulations made under this Act;

“Shellfish” includes every description of molluscs, crustaceans, and echinoderms found in New Zealand fisheries waters, and their young or spawn, but does not include oysters;

“Take” includes—

(a) To take, catch, kill, attract, or pursue by any means or device; and

(b) To attempt to do any act specified in paragraph (a) of this definition;

“Total allowable catch”, with respect to the yield from any fishery, means the amount of fish that will produce from that fishery the maximum sustainable yield, as qualified by any relevant economic or environmental factors, fishing patterns, the interdependence of stocks of fish, and any generally recommended subregional, regional or global standards.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

## PART I

### *The territorial sea of New Zealand*

3. *The territorial sea*—The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described

in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

4. *Internal waters*—The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.

5. *Baseline of territorial sea*—(1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation that lies wholly or partly within the breadth of sea that would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth of the territorial sea shall be treated as an island.

6. *Baseline of territorial sea adjacent to bay*—In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured—

(a) Where the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed 24 nautical miles, shall be a straight line joining those low-water marks; and

(b) Where, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed 24 nautical miles, shall be a series of straight lines across each of the mouths so as to join those low-water marks; and

(c) Where neither paragraph (a) nor paragraph (b) of this section applies, shall be a straight line 24 nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

7. *Bed of territorial sea and internal waters vested in Crown*—Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the sea-bed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of New Zealand (including the coast of all islands) and on the seaward side by the outer limits of the territorial sea of New Zealand shall be deemed to be and always to have been vested in the Crown.

8. *Regulations in territorial sea*—Where no other provision is for the time being made by any other enactment for any such purposes, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the conduct of scientific research within the territorial sea;



(b) Prescribing measures for the protection and preservation of the marine environment of the territorial sea;

(c) Regulating the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations, and structures;

(d) Regulating the exploration and exploitation of the territorial sea for the production of energy from the water, currents, and winds, and for any other economic purposes;

(e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of New Zealand in relation to the territorial sea;

(f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;

(g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for its due administration.

## PART II

### *The exclusive economic zone of New Zealand*

9. *The exclusive economic zone*—(1) The exclusive economic zone of New Zealand comprises those areas of the sea, sea-bed, and subsoil that are beyond and adjacent to the territorial sea of New Zealand, having as their outer limits a line measured seaward from the baseline described in sections 5 and 6 of this Act, every point of which line is distant 200 nautical miles from the nearest point of the baseline.

(2) Notwithstanding subsection (1) of this section, where—

(a) Any part of the median line between New Zealand and any other country is less than 200 nautical miles from the nearest part of the baseline of the territorial sea of New Zealand; and

(b) No other outer limit of the exclusive economic zone is for the time being determined by an Order in Council made under subsection (3) or subsection (4) of this section—

that part of the median line shall be an outer limit of the zone.

(3) The Governor-General may from time to time, by Order in Council, declare that any specified provisions of this Part of this Act, and any other specified provisions in this Act relating to the exclusive economic zone, shall apply to the Ross Dependency, with such modifications and exceptions (if any) as he may specify in the order.

(4) For the purposes of implementing any international agreement, or the arbitral award of any international body, or the judgement of any international Court, or for any other purpose in accordance with international law, the Governor-General may from time to time, by Order in

Council, declare that the exclusive economic zone shall not extend to any specified area of the sea, sea-bed, or subsoil, that would otherwise be included within the exclusive economic zone by virtue of this section.

10. *Seas in zone to be New Zealand fisheries waters*—(1) The seas comprised in the exclusive economic zone shall be part of New Zealand fisheries waters.

(2) The following enactments shall apply accordingly (subject to any provisions to the contrary in those enactments) within the exclusive economic zone:

(a) The Fisheries Act 1908 (except Part II of that Act);<sup>1</sup>

(b) The Whaling Industry Act 1935.<sup>2</sup>

11. *Calculation of total allowable catch*—The Minister shall from time to time determine, in respect of every fishery within the exclusive economic zone, the total allowable catch.

12. *Calculation of allowable catch by foreign fishing craft*—(1) The Minister shall from time to time determine, in respect of the total allowable catch for every fishery within the exclusive economic zone, the portion that New Zealand fishing craft have the capacity to harvest.

(2) Where the Minister has determined, in respect of the total allowable catch for a fishery within the exclusive economic zone, the portion that New Zealand fishing craft have the capacity to harvest, the remaining portion shall constitute the allowable catch for that fishery for foreign fishing craft.

13. *Apportionment of allowable catch for foreign fishing craft*—

(1) The Minister may from time to time apportion, among countries other than New Zealand, the allowable catch for foreign fishing craft in respect of any fishery within the exclusive economic zone, as determined under section 12 of this Act.

(2) In making an apportionment under subsection (1) of this section, the Minister may take into account (*inter alia*) the following considerations:

(a) Whether the fishing craft of countries to which the apportionment applies have engaged habitually in fishing within the exclusive economic zone;

(b) Whether such countries have co-operated with New Zealand in fisheries research and in the identification of fish stocks within the zone;

(c) Whether such countries have co-operated with New Zealand in the conservation and management of fisheries resources within the zone, and in the enforcement of New Zealand law relating to such resources;

(d) The terms of any relevant international agreement;

(e) Such other matters as the Minister, after consultation with the Minister of Foreign Affairs, determines to be relevant.

<sup>1</sup> Partially reproduced in ST/LEG/SER.B/6, p. 540; ST/LEG/SER.B/15, p. 649; and ST/LEG/SER.B/16, p. 309.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/6, p. 543.

14. *Prohibition of operation of unauthorised foreign fishing craft in zone*—No foreign fishing craft shall be used for fishing within the exclusive economic zone except in accordance with a licence issued by the Minister under section 15 of this Act in respect of that fishing craft.

15. *Grant of licences*—(1) Subject to subsection (2) of this section, the Minister may grant and issue to the owner of any named foreign fishing craft a licence to fish within the exclusive economic zone.

(2) The Minister shall exercise the powers conferred on him by this section in such a manner as to ensure that—

(a) The catch that all foreign fishing craft licensed under this section are for the time being authorised to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing craft for that fishery as determined under section 12 of this Act; and

(b) The catch that all foreign fishing craft of a particular country licensed under this section are for the time being authorised to harvest from any fishery within the zone does not exceed the apportionment made under section 13 of this Act for that fishery in respect of that country.

(3) In granting a licence under this section, the Minister may attach to the licence conditions relating (*inter alia*) to all or any of the following matters;

(a) The areas within the exclusive economic zone in which fishing is authorised; and

(b) The seasons, times, and particular voyages during which fishing is authorised;

(c) The species, size, age, and quantities of fish that may be taken;

(d) The methods by which fish may be taken;

(e) The types, size, and amount of fishing gear that may be used or carried by a foreign fishing craft, and the modes of storage of that gear when not in use;

(f) The use, transfer, transhipment, landing, and processing of fish taken;

(g) Entry by the foreign fishing craft to New Zealand ports, whether for the inspection of its catch or for other purposes;

(h) The compensation payable to New Zealand citizens or to the Crown in the event of any loss or damage caused by the foreign fishing craft to other fishing craft, or their gear or catch, or to fish stocks, or to pipelines or cables, or to other New Zealand interests;

(i) Statistical and other information required to be given by the foreign fishing craft to the Ministry of Agriculture and Fisheries, including statistics relating to catch and effort and reports as to the positions of the craft;

(j) The conduct by the foreign fishing craft of specified programmes of fisheries research;

(k) The training of New Zealand personnel in the methods of fishing employed by the foreign fishing craft and the transfer to New Zealand of technology relating to fisheries;

(l) The display on board the foreign fishing craft of the licence issued in respect of it;

(m) The marking of the foreign fishing craft, and other means for its identification;

(n) Directions, instructions, and other requirements given or made by vessels or aircraft of the New Zealand Armed Forces or other New Zealand Government ships or aircraft to the foreign fishing craft that shall be complied with by the craft;

(o) The placing of New Zealand observers on the foreign fishing craft and the reimbursement to the Ministry of Agriculture and Fisheries by the licensee of the costs of doing so;

(p) The installation on the foreign fishing craft and maintenance in working order of a transponder or other equipment for the identification and location of the craft, and of adequate navigational equipment to enable its position to be fixed from the craft;

(q) The carriage on board the foreign fishing craft of specified nautical charts, nautical publications, and nautical instruments;

(r) Such other matters as the Minister considers necessary or expedient for the conservation or management of fisheries resources within the zone.

16. *Renewal of licences*—Subject to section 15 (2) of this Act, the Minister may from time to time renew any licence granted under section 15 of this Act.

17. *Variation of licences*—(1) Subject to section 15 (2) of this Act, the Minister may from time to time, where he is satisfied that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, vary the terms and conditions of any licence or licences, or class or classes of licence, granted under section 15 of this Act.

(2) Notice of every variation of any licence under this section shall be given as soon as practicable to the licensee.

18. *Licensing fees*—There shall be payable by every licensee to the Crown in respect of the granting of a licence under section 15 of this Act, or the renewal of a licence under section 16 of this Act, such fee as may from time to time be prescribed.

19. *Licensing offences*—(1) Where any foreign fishing craft that is not licensed under section 15 of this Act is used for fishing in the exclusive economic zone, each of them, the owner, the master and every crew member of the craft, commits an offence against this Act.

(2) Where any foreign fishing craft that is not licensed under section 15 of this Act displays within New Zealand fisheries waters any marking or other means of identification that indicates that it is licensed

under that section, each of them, the owner, the master and every crew member of the craft, commits an offence against this Act.

(3) Where any foreign fishing craft is used for fishing within the exclusive economic zone in contravention of any condition of a licence issued in respect of it under section 15 of this Act, each of them, the licensee, the master and every crew member of the craft, commits an offence against this Act.

(4) Every owner or master of a foreign fishing craft who commits an offence specified in subsection (1) or subsection (2) of this section is liable on summary conviction to a fine not exceeding \$100,000.

(5) Every crew member of a foreign fishing craft who commits an offence specified in subsection (1) or subsection (2) of this section is liable on summary conviction to a fine not exceeding \$5,000.

(6) Every licensee or master of a foreign fishing craft who commits an offence specified in subsection (3) of this section is liable on summary conviction to a fine not exceeding \$25,000.

(7) Every crew member of a foreign fishing craft who commits an offence specified in subsection (3) of this section is liable on summary conviction to a fine not exceeding \$1,500.

(8) In this section, "crew member" does not include a licensee, owner, or master of a foreign fishing craft, or any New Zealand personnel or New Zealand observer on the craft pursuant to a condition attached to a licence under section 15 (3) of this Act.

20. *Suspension and cancellation of licences*—(1) Where the Minister is satisfied that—

(a) Any foreign fishing craft in respect of which a licence has been granted under section 15 of this Act is being or has been used for fishing within the exclusive economic zone in contravention of any condition of the licence or of any New Zealand law that applies to fishing within the zone; or

(b) Any licensee, master, or crew member of a foreign fishing craft has been convicted of an offence against this Act, or against any regulations made under section 22 of this Act, or against any other New Zealand law relating to fishing within the zone; or

(c) Any licensee, master, or crew member of a foreign fishing craft has failed to pay to the Crown, within the time limit specified in section 26 (8) of this Act, the amount of any penalty imposed on him under that section by the Minister—

he may suspend the licence of the craft for such period as he shall specify, or cancel the licence.

(2) Where the Minister, after consultation with the Minister of Foreign Affairs, determines that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, he may suspend any licence or licences or class or classes of licence for such

period as he shall specify, or cancel any licence or licences or class or classes of licence.

(3) While a licence is suspended under this section, it shall have no effect.

21. *Review by Courts*—No exercise by the Minister of any power conferred on him by section 17 or section 20 (2) of this Act shall be liable to be challenged, reviewed, quashed, or called into question in any Court on the ground that the conditions for the exercise of the power by him had not arisen or had ceased.

22. *Fisheries regulations*—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Prescribing the manner of applying for licences under section 15 of this Act, and for the renewal of such licences under section 16 of this Act, and forms of applications;

(b) Prescribing the terms of duration of licences;

(c) Prescribing the forms of licences to be issued by the Minister;

(d) Prescribing the fees payable to the Crown for the issue of licences and for their renewal;

(e) Providing for the production of licences by licensees to specified New Zealand authorities when required to do so, and the inspection of licences by such authorities;

(f) Requiring applicants for licences, and licensees, to designate authorised agents in New Zealand in respect of foreign fishing craft;

(g) Providing for such other measures as are necessary or expedient to ensure that foreign fishing craft are used for fishing within the exclusive economic zone only in accordance with the terms and conditions of their licences;

(h) Prescribing conditions, not inconsistent with this Act, under which fishing may be undertaken within the zone by foreign fishing craft;

(i) Prescribing measures, not inconsistent with this Act, for the conservation and management of fisheries resources within the zone;

(j) Specifying particular types of high migratory species of fish, and regulating, in a manner not inconsistent with this Act, fishing for those species within the zone, and also, in the case of New Zealand fishing craft, beyond the zone;

(k) Providing that a breach of any such regulation shall be a criminal offence, and imposing penalties by way of fine not exceeding, in the case of a licensee, owner or master of a fishing craft, \$10,000 for any such offences and, in the case of any other crew member, \$1,000 for any such offences;

(l) Prescribing the form of bonds for the purposes of section 25 of this Act;

(m) Prescribing forms of notices and procedures to be followed for the purposes of section 26 of this Act;

(n) Providing, in respect of notices, summonses, and other documents to be served under this Act or in any civil or criminal proceedings under this Act, that specified methods of service (including service on the authorised agent of a foreign fishing craft or on the diplomatic or consular representative in respect of New Zealand of the country in which the craft is registered) shall be deemed to be service on any licensee, owner, master, or crew member of the craft, and providing that specified methods of proof of service shall be deemed to be sufficient proof of service.

(2) Regulations made under this section may make different provisions for different parts of the exclusive economic zone and for different species of fish.

(3) In prescribing fees in regulations made under this section, the Governor-General in Council may—

(a) Take into account (inter alia) the cost of implementing the provisions of this Act and of the Fisheries Act 1908<sup>1</sup> with respect to fishing by foreign fishing craft within the exclusive economic zone, including the cost of the conservation and management of fisheries resources, and of fisheries research, and of the administration and enforcement of such enactments; and

(b) Prescribe different fees for different classes of foreign fishing craft (whether by reference to size, catch, method of fishing, function, or otherwise).

23. *Fishing for research, experimental, and sporting purposes*—Notwithstanding section 14 or section 19 of this Act, a foreign fishing craft may be used for fishing within the exclusive economic zone for the purpose of fisheries research or of experimentation or sport, subject always to the prior consent in writing of the Minister to such activity and in accordance with such conditions (if any) as the Minister may impose in giving his consent.

24. *Apprehension of offenders*—(1) Any officer specified in subsection (16) of this section may at any time stop, board, inspect, and search any foreign fishing craft in New Zealand fisheries waters, and inspect any fish on board the craft; and where he has reasonable cause to believe that an offence against this Act, or against regulations made under section 22 of this Act, or against any other New Zealand law, relating to fishing within the exclusive economic zone, has been committed in respect of any foreign fishing craft he may—

(a) Seize and detain all fish on board the craft; and

(b) Apprehend any person whom he has reasonable cause to believe has committed any offence specified in this subsection; and

<sup>1</sup> Partially reproduced in ST/LEG/SER.B/6, p. 540; ST/LEG/SER.B/15, p. 649; and ST/LEG/SER.B/16, p. 309.

(c) If he has reasonable cause to believe that any such offence has been committed by the licensee, owner, or master of the craft, seize and detain the craft.

(2) Any officer specified in subsection (16) of this section may exercise the powers conferred on him by subsection (1) of this section with the aid of such assistants as he considers to be necessary for the purpose.

(3) Where any foreign fishing craft is detained under subsection (1) of this section, it shall be held in the custody of the Crown until—

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the craft was detained; or

(b) Where such an information or charge is laid, the security required by section 25 of this Act is given in respect of the craft.

(4) The decision whether or not to lay an information or charge in respect of an alleged offence for which a foreign fishing craft is detained under subsection (1) of this section shall be made as soon as reasonably practicable after the craft is detained.

(5) The release of a foreign fishing craft from detention shall not affect any subsequent forfeiture of the craft in respect of the conviction of any person for an offence.

(6) On the conviction of any licensee, owner, or master of a foreign fishing craft for any offence specified in subsection (1) of this section, the craft shall be forfeited to the Crown, and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(7) Where any fish is detained under subsection (1) of this section, it shall be held in the custody of the Crown (either on board the foreign fishing craft from which it was seized or in such other place as the Minister may direct) until—

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the fish was detained; or

(b) Where such an information or charge is laid, any security required by section 25 of this Act is given in respect of the fish.

(8) The release of any fish from detention shall not affect any subsequent forfeiture of the fish on the conviction of any person for an offence.

(9) The Crown shall not be liable to any person for any deterioration in the quality of any fish detained under subsection (1) of this section, whether such deterioration is caused by the negligence of the Crown or otherwise.

(10) On the conviction of any person for any offence specified in subsection (1) of this section in respect of any fish detained under that subsection, the fish shall be forfeited to the Crown and shall be disposed



of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(11) Where any officer specified in subsection (16) of this section apprehends any person under subsection (1) of this section, the officer shall cause the person to be taken as soon as reasonably practicable before a Court to be dealt with in accordance with law.

(12) Where any foreign fishing craft or fish is held in the custody of the Crown under this section, then on the conviction of any person for any offence specified in subsection (1) of this section in respect of the craft or fish, as the case may be, the costs of the Crown in holding it in custody under this section shall be a debt due to the Crown jointly and severally by each of them the licensee, the owner, and the master of the craft, and shall be recoverable accordingly by the Crown in any Court of competent jurisdiction.

(13) Without limiting any other manner of recovering any debt due to the Crown under subsection (12) of this section, on the conviction of the licensee, owner, or master of any foreign fishing craft for any offence referred to in that subsection, the Court by which he is convicted may make an order that he shall pay to the Crown any costs for which he is liable under that subsection.

(14) Subject to subsection (9) of this section, but notwithstanding any other provision in this section, where any foreign fishing craft or fish has been detained under subsection (1) of this section, then on the acquittal of every person who is charged with any offence for which the craft or fish, as the case may be, is subject to forfeiture under this section, the craft or fish, as the case may require, shall forthwith be released from the custody of the Crown.

(15) Any person who in any way prevents or hinders any officer specified in subsection (16) of this section, or any assistant of the officer, in exercising the powers conferred by this section commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$10,000.

(16) Subsection (1) of this section refers to any of the following officers:

(a) The officer in command of any vessel or aircraft of the New Zealand Armed Forces;

(b) Any Inspector of Sea Fishing appointed in accordance with section 4 of the Fisheries Act 1908;

(c) Any constable;

(d) The master of any New Zealand Government ship.

(17) In this section, "foreign fishing craft" includes all equipment on board or used by the craft.

25. *Security for release of foreign fishing craft*—(1) Where any foreign fishing craft is detained under section 24 of this Act, and an in-

formation or charge is laid against the licensee, owner, or master of the craft in respect of the offence for which the craft has been detained, the licensee, owner, or master of the craft may at any time before the determination of the information or charge apply to the Court by which the information or charge will be determined for the release of the craft on the provision of security in accordance with this section.

(2) On hearing the application, the Court shall order the release of the foreign fishing craft on the execution by any suitable person or persons approved by the Court for the purpose, of a bond in favour of Her Majesty the Queen, in the prescribed form and conditioned in accordance with subsection (4) of this section, in an amount not less than the aggregate of the value of the craft, the costs that the Crown may recover under section 24 (12) of this Act if the defendant is convicted of the offence, and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (2) of this section, the Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if—

(a) The defendant is found not guilty of the information or charge;

or

(b) The defendant on being convicted of the information or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court, and the amount of all costs due by him to the Crown under section 24 (12) of this Act, and the foreign fishing craft is within that time surrendered to the Crown for forfeiture—

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full, in any Court of competent jurisdiction, as a debt due to Her Majesty the Queen jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing craft" includes all equipment on board or used by the craft, and also includes all fish that has been seized from the craft under section 24 (1) of this Act and is detained on board the craft in the custody of the Crown under that section.

#### 26. *Administrative penalties for minor fisheries offences—*

(1) Where the Minister has reasonable cause to believe that—

(a) An offence against this Act, or against regulations made under section 22 of this Act, or against any other New Zealand law, relating to fishing within the exclusive economic zone, may have been committed by any person in respect of any foreign fishing craft; and

(b) Having regard to all the circumstances relating to the alleged offence it is of a minor nature, and having regard to the previous conduct of the craft and of the person concerned in New Zealand fisheries waters, it would be appropriate to impose a penalty under this section—

he may cause a notice in writing in accordance with subsection (2) of this section, and otherwise in the prescribed form, to be served on that person.

(2) A notice under subsection (1) of this section shall specify—

(a) The date and nature of the offence;

(b) A summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary to fully and fairly inform the person of the allegation against him); and

(c) Any other matters (not being previous convictions) that the Minister considers relevant to the imposition of a penalty—

and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) of this section is served may, within 28 days after the notice is served on him, by a notice in writing in the prescribed form served on the Director-General of Agriculture and Fisheries require that any proceedings in respect of the alleged offence shall be dealt with before a Court, in which case the following provisions shall apply:

(a) No further proceedings shall be taken under this section by the Minister;

(b) Nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence, or the conviction of the person of the offence by a Court, or the imposition of any penalty under any enactment or forfeiture under this Act on such a conviction.

(4) Any person on whom a notice under subsection (1) of this section is served, who does not require that any proceedings in respect of the alleged offence shall be dealt with before a Court, may by notice in writing served on the Director-General of Agriculture and Fisheries—

(a) Admit the offence; and

(b) In any case make submissions to the Minister as to the matters he wishes the Minister to take into account in imposing any penalty under this section.

(5) Where a person on whom a notice under subsection (1) of this section is served does not, within 28 days after the notice is served on him,—

(a) Require that any proceedings in respect of the alleged offence shall be dealt with before a Court; or

(b) Admit the offence—

he shall on the expiration of that period be deemed to have admitted the offence.

(6) Where under this section a person admits or is deemed to have admitted an offence, the Minister may, after taking into account any submissions made by that person under subsection (4) of this section, impose a monetary penalty on the person in respect of the offence, not exceeding one-third of the maximum monetary penalty to which the person would be liable if he were convicted of the offence by a Court.

(7) Where the Minister imposes a penalty on a person under this section in respect of an offence, the Minister shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on the person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on him in accordance with subsection (7) of this section.

(9) Without prejudice to the requirements of subsection (8) of this section, or to section 20 (1) of this Act, a penalty that has been imposed under this section shall be recoverable by the Crown, from the person on whom it has been imposed, in the same manner as a fine is recoverable on summary conviction for any offence.

(10) Notwithstanding the provisions of sections 19, 22, 24, and 25 of this Act, or of any other enactment, where any offence has been admitted under this section, no information or charge may be laid in respect of the offence against the person by whom it is admitted.

(11) Nothing in this section shall apply—

(a) In respect of any offence or alleged offence under subsection (1) or subsection (2) of section 19 of this Act; or

(b) In respect of any offence or alleged offence in respect of which any information or charge has been laid.

27. *General regulations in zone*—Where no other provision is for the time being made by any other enactment for any such purposes, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the conduct of scientific research within the exclusive economic zone;

(b) Prescribing measures for the protection and preservation of the marine environment of the zone;

(c) Regulating the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within the zone, including the establishment of safety zones around such islands, installations, and structures;

(d) Regulating the exploration and exploitation of the zone for the production of energy from the water, currents, and winds, and for any other economic purposes;

(e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights of New Zealand in relation to the zone;

(f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;

(g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act (other than matters for which regulations may be made under section 22 of this Act) and for its due administration.

28. *General provisions as to offences in zone*—(1) Any offence against this Act, or against any regulations made under this Act, that is committed within the exclusive economic zone shall be deemed to have been committed in New Zealand.

(2) Where any licensee, owner, master, or crew member of a foreign fishing craft is charged with any offence specified in section 19 of this Act or in any regulations made under section 22 of this Act, in respect of any activity described in paragraph (b) or paragraph (c) of the definition of the term “fishing” in section 2 (1) of this Act, it shall be a defence to the charge if the defendant proves that such activity related only to fish taken beyond the outer limits of the exclusive economic zone.

(3) Where any power of apprehension of any person, or of stopping, boarding, or searching any fishing craft, or of inspecting, seizing, or detaining any fishing craft or fish, is conferred on any person under this Part of this Act, that power may be exercised with or without a warrant.

### PART III

#### *Miscellaneous Provisions*

29. *Interim and transitional measures*—(1) Pending the coming into force of Part II of this Act, the Governor-General may from time to time, by Order in Council, make regulations prescribing interim or transitional measures for the conservation and management of fisheries resources beyond the territorial sea of New Zealand but within 200 nautical miles of the baseline described in sections 5 and 6 of this Act, and for the limitation of fishing by foreign fishing craft in any areas to which those measures relate.

(2) Regulations made under this section may provide that a breach of any such regulations shall be a criminal offence, and may impose penalties by way of fine not exceeding \$100,000 for any such offences, and may declare that any such offences shall be deemed to have been committed within New Zealand.

(3) Regulations made under this section may provide that the provisions of sections 24, 25, and 26 of this Act shall apply in respect of offences committed against such regulations.

30. *Modifications to give effect to international agreement*—The Governor-General may, from time to time, by Order in Council, limit any provision of this Act relating to the exclusive economic zone so far as it is necessary to do so to give full effect to any convention that is adopted by the Third United Nations Conference on the Law of the Sea.

31. *Official charts*—(1) For the purposes of this Act, in any proceedings in any Court the line of low water for any area depicted on the charts held in the Territorial Limits Chart Folio held by the Royal New Zealand Navy Hydrographic Office shall be sufficient evidence of the line of the low-water mark for that area.

(2) For the purposes of this Act, in any proceedings in any Court, a certificate purporting to be signed by an officer of the New Zealand Naval Forces authorized by the Secretary of Defence or the Deputy Secretary of Defence that any specified chart is a chart referred to in subsection (1) of this section shall be admissible as evidence of the matters stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.

32. *Onus of proof in respect of offences*—In any criminal proceedings under this Act where a defendant is charged with having committed an offence specified in section 19 of this Act, or with having contravened any other provision in any regulations made under this Act under which a licence or permit, or the consent of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge relates, the requisite licence, permit, or consent was duly held.

33. *Amendments, repeal, and savings*—(1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Unless in any case the context otherwise requires, every reference in any other enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever, in force at the commencement of this section,—

(a) To the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Fishing Zone Act 1965,<sup>1</sup> or to the fishing zone of New Zealand established by section 8 of that Act, shall hereafter be read as a reference to the territorial sea of New Zealand as defined by section 3 of this Act:

(b) To the internal waters of New Zealand as defined by section 4 of that Act, shall hereafter be read as a reference to the internal waters of New Zealand as defined by section 4 of this Act.

(3) The Territorial Sea and Fishing Zone Act 1965 is hereby repealed.<sup>1</sup>

(4) Except as expressly provided by this Act, the provisions of this Act are in addition to and not in substitution for the provisions of every other enactment, and accordingly nothing in this Act shall limit or derogate from the provisions of any other enactment.

<sup>1</sup> Reproduced in ST/LEG/SER.B/15, p. 102.

## SCHEDULE

*Enactments Amended*

*Enactment Amended*  
 1908, No. 65—The Fisheries Act 1908 (Reprinted 1966, Vol. 3, p. 2321)<sup>1</sup>

*Amendment*

By inserting after section 1, but before the heading "Part I—Sea Fisheries", the following section:

"1A. *Application of Act to exclusive economic zone*—(1) Nothing in this Act shall be construed—

"(a) To require the licensing or registration or obtaining of a permit or of any consent by a foreign fishing craft for the purpose of fishing within the exclusive economic zone of New Zealand; or

"(b) To authorise the making of any regulations in derogation of the provisions of the Territorial Sea and Exclusive Economic Zone Act 1977, or of any regulations made under that Act, relating to fishing within the exclusive economic zone; or

"(c) To authorise the boarding, search, seizure, taking of possession, detention, or forfeiture under this Act of any such foreign fishing craft, or of any equipment or fish on board the craft, or the arrest of any crew member of such craft, in respect of any offence relating to fishing within the exclusive economic zone; or

"(d) To authorise the imposition of a term of imprisonment on any crew member of any such foreign fishing craft in respect of any such offence.

"(2) Nothing in Part III of this Act or in section 12A of the Fisheries Amendment Act 1963 shall apply to fishing by foreign fishing craft within the exclusive economic zone.

"(3) Where, but for the provisions of subsection (1) of this section, a person would be liable to suffer imprisonment for the commission of any offence, he shall instead of such imprisonment be liable on summary conviction to a fine not exceeding in the case of any licensee, owner, or master of the foreign fishing craft \$10,000, and not exceeding in the case of any other crew member of the foreign fishing craft \$1,000.

"(4) Any offence against this Act that is committed within the exclusive economic zone

<sup>1</sup> Partially reproduced in ST/LEG/SER.B/6, p. 540; ST/LEG/SER.B/15, p. 649; and ST/LEG/SER.B/16, p. 309.

*Enactment Amended**Amendment*

of New Zealand shall be deemed to have been committed in New Zealand.

“(5) In this section, the terms ‘exclusive economic zone’, ‘fish’, ‘fishing’, and ‘foreign fishing craft’ have the meanings assigned to them by section 2 (1) of the Territorial Sea and Exclusive Economic Zone Act 1977.”

By omitting the definition of the term “New Zealand fisheries waters” in section 2 (1) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965), and substituting the following definition:

“‘New Zealand fisheries waters’ means—

“(a) All waters in the exclusive economic zone of New Zealand (as described in section 9 of the Territorial Sea and Exclusive Economic Zone Act 1977);

“(b) All waters of the territorial sea of New Zealand (as defined by section 3 of that Act);

“(c) All internal waters of New Zealand (as defined by section 4 of that Act); and

“(d) The waters of every lake, river and stream where fish indigenous to New Zealand are found”.

By repealing section 67 (1) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965).

1950, No. 34—The Harbours Act 1950<sup>1</sup> (Reprinted 1966, Vol. 3, p. 2395)

By omitting from section 2 (2) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965) the words “Fishing Zone Act 1965”, and substituting the words “Exclusive Economic Zone Act 1977”.

1961, No. 43—The Crimes Act 1961<sup>2</sup>

By omitting from the definition of the term “New Zealand” in section 2 (1) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965) the words “and Fishing Zone Act 1965”, and substituting the words “and Exclusive Economic Zone Act 1977”.

1964, No. 28—The Continental Shelf Act 1964<sup>3</sup>

By omitting from section 2 the definition of the term “continental shelf”, and substituting the following definition:

“‘Continental shelf’ means the seabed and subsoil of those submarine areas that extend beyond the territorial limits of New Zealand, throughout the natural prolongation of the land

<sup>1</sup> Section 2 (2) reproduced in ST/LEG/SER.B/15, p. 168.

<sup>2</sup> Section 2 (1) reproduced in ST/LEG/SER.B/15, p. 498.

<sup>3</sup> Reproduced in ST/LEG/SER.B/15, p. 389.



*Enactment Amended**Amendment*

territory of New Zealand, 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 (as described in sections 5 and 6 of the Territorial Sea and Exclusive Economic Zone Act 1977) where the outer edge of the continental margin does not extend to that distance."

By inserting in section 2, after the definition of the term 'continental shelf', the following definition:

"'Mineral' includes coal."

By renumbering section 2 as subsection (1) of that section, and adding the following subsection:

"(2) For the purposes of implementing any international agreement, or for any other purpose in accordance with international law, the Governor-General may from time to time, by Order in Council, delineate the actual boundaries of the continental shelf."

1966, No. 5—The Submarine Cables and Pipelines Protection Act 1966<sup>1</sup>

By omitting from the definition of the term "low-water mark", in section 2, the words "Fishing Zone Act 1965", and substituting the words "Exclusive Economic Zone Act 1977".

By omitting from section 7 (2) the words "fishing zone of New Zealand", and substituting the words "exclusive economic zone of New Zealand (as described in section 9 of the Territorial Sea and Exclusive Economic Zone Act 1977)".

## 24. PAKISTAN

### TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976<sup>2</sup>

#### 1. *Short title and commencement.*

(1) This Act may be called the Territorial Waters and Maritime Zones Act, 1976.

(2) It shall come into force at once.

#### 2. *Territorial waters.*

(1) The sovereignty of Pakistan extends and has always extended to the territorial waters of Pakistan, hereinafter referred to as the territorial

<sup>1</sup> Section 2 reproduced in ST/LEG/SER.B/15, p. 505.

<sup>2</sup> Passed by Parliament on 22 December 1976. Assented to by the President on 31 December 1976. Text provided by the Permanent Representative of Pakistan to the United Nations in a note dated 3 June 1977.

waters, as well as to the air space over, and the bed and subsoil of such waters.

(2) The limit of the territorial waters is 12 nautical miles beyond the land territory and internal waters of Pakistan measured from the baseline.

(3) The baseline from which such limit shall be measured and the waters on the landward side of which shall form part of the internal waters of Pakistan shall be specified by the Federal Government by notification in the official *Gazette*.

(4) Where a single island, rock or a composite group thereof constituting a part of the territory of Pakistan is situated off the main coast, the baseline referred to in subsection (3) shall be drawn along the outer seaward limits of such island, rock or composite group.

### 3. *Use of territorial waters by foreign ships.*

(1) Without prejudice to the provisions of any other law for the time being in force and subject to the provisions of subsection (2) and subsection (3), all foreign ships shall enjoy the right of innocent passage through the territorial waters.

*Explanation.* For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Pakistan.

(2) Foreign warships, including submarines and other underwater vehicles and foreign military aircraft may enter or pass through the territorial waters and the air space over such waters with the prior permission of the Federal Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) Foreign super-tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may enter or pass through the territorial waters after giving prior notice to the Federal Government.

(4) The Federal Government may, if satisfied that it is necessary so to do in the interest of the peace, good order or security of Pakistan or any part thereof, suspend, by notification in the official *Gazette*, subject to such exceptions and qualifications, if any, as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

### 4. *Contiguous Zone.*

(1) The Contiguous Zone of Pakistan, hereinafter referred to as the Contiguous Zone, is an area adjacent to and beyond the territorial waters and extending seawards to a line 24 nautical miles measured from the baseline declared under subsection (3) of section 2.

(2) The Federal Government may exercise such powers and take such measures in or in respect of the Contiguous Zone as it may consider

necessary to prevent and punish the contravention of, and an attempt to contravene, any law in force in Pakistan relating to—

- (a) the security of Pakistan;
- (b) immigration and sanitation; and
- (c) customs and other fiscal matters.

(3) The Federal Government may, by notification in the official *Gazette*—

(a) extend to the Contiguous Zone any law relating to any matter referred to in clause (a) or clause (b) or clause (c) of subsection (2), for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such law and any law so extended shall have effect as if the Contiguous Zone formed part of the territory of Pakistan.

#### 5. *Continental Shelf.*

(1) The Continental Shelf of Pakistan, hereinafter referred to as the Continental Shelf, shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the limit of the territorial waters of Pakistan throughout the natural prolongation of the land territory of Pakistan to the outer edge of the continental margin or, where the outer edge of the continental margin does not extend up to a distance of 200 nautical miles from the baseline declared under subsection (3) of section 2, up to that distance.

(2) Pakistan has, and always had, full and exclusive sovereign rights in respect of its Continental Shelf, including—

(a) exclusive sovereign rights for the purpose of exploration, development, exploitation, conservation and management of all resources, both living and non-living;

(b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the Continental Shelf, for the convenience of shipping or for any other purpose; and

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(3) No person, including a foreign Government, shall, except under, and in accordance with the terms of, any agreement with the Federal Government or a licence or letter of authority granted by the Federal Government, explore the Continental Shelf or exploit its resources or carry out any search or excavation or conduct any research within the Continental Shelf or drill therein or construct, maintain or operate therein for any

purpose whatsoever any artificial islands, offshore terminal, installation or other structure or device.

(4) The Federal Government may, by notification in the official *Gazette*—

(a) declare any area of the Continental Shelf and its superjacent waters to be a designated area; and

(b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely—

- (i) the exploration, development, exploitation and protection of the resources of the Continental Shelf within such designated area;
- (ii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area;
- (iii) the protection of marine environment of such designated area;
- (iv) customs and other fiscal matters in relation to such designated area; and
- (v) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Pakistan.

(5) The Federal Government may, by notification in the official *Gazette*—

(a) extend to the whole or any part of the Continental Shelf any law for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such law;

and any law so extended shall have effect as if the Continental Shelf or, as the case may be, the part thereof to which it has been extended formed part of the territory of Pakistan.

(6) Subject to any measures that may be necessary for protecting the interests of Pakistan, and without prejudice to the provisions of subsection (2), the Federal Government may not impede the laying or maintenance of submarine cables or pipelines on the sea-bed of the Continental Shelf by foreign States:

Provided that the consent of the Federal Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

#### 6. *Exclusive Economic Zone.*

(1) The Exclusive Economic Zone of Pakistan, hereinafter referred to as the Exclusive Economic Zone, is an area beyond and adjacent to the territorial waters the limit of which is 200 nautical miles from the baseline declared under subsection (3) of section 2.

(2) In the Exclusive Economic Zone, its bed and subsoil and the superjacent waters, Pakistan has—

(a) exclusive sovereign rights for the purpose of exploration, development, exploitation, conservation and management of all resources, both living and non-living, as well as for producing energy from tides, winds, currents and the sun;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the Zone or for the convenience of shipping or for any other purpose;

(c) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized by international law.

(3) No person, including a foreign Government, shall, except under, and in accordance with the terms of, any agreement with the Federal Government or a licence or letter of authority granted by the Federal Government, explore or exploit any resources of the Exclusive Economic Zone or carry out any search or excavation or conduct any research within the Exclusive Economic Zone or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial island, offshore terminal, installation or other structure or device:

Provided that fishing in the Exclusive Economic Zone shall be regulated by the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXII of 1975).<sup>1</sup>

(4) The Federal Government may, by notification in the official *Gazette*—

(a) declare any area of the Exclusive Economic Zone to be a designated area; and

(b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely—

(i) the exploration, development, exploitation and protection of the resources of such designated area;

(ii) other activities for the economic exploitation and exploration of such designated area, such as the production of energy from tides, winds, currents and the sun;

(iii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area;

(iv) the protection of marine environment of such designated area;

<sup>1</sup> See *infra*, division V, No. 27 (a).

- (v) customs and other fiscal matters in relation to such designated area; and
- (vi) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Pakistan.

(5) The Federal Government may, by notification in the official *Gazette*—

(a) extend to the whole or any part of the Exclusive Economic Zone any law for the time being in force in Pakistan or any part thereof subject to such modifications as may be specified in the notification; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such law, and any law so extended shall have effect as if the Exclusive Economic Zone or, as the case may be, the part thereof to which it has been extended formed part of the territory of Pakistan.

(6) The provisions of subsection (6) of section 5 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the Exclusive Economic Zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the Continental Shelf.

(7) In the Exclusive Economic Zone and the air space over the Zone, ships and aircraft of all States shall, subject to the exercise by Pakistan of its rights within the Zone, enjoy freedom of navigation and overflight.

#### 7. *Historic waters.*

(1) The Federal Government may, by notification in the official *Gazette*, specify the limits of such waters adjacent to its land territory as are the historic waters of Pakistan.

(2) The sovereignty of Pakistan extends, and has always extended, to the historic waters of Pakistan and to the sea-bed and subsoil underlying, and the air space over, such waters.

#### 8. *Maritime boundaries between Pakistan and States having coasts opposite or adjacent to those of Pakistan.*

(1) Notwithstanding anything contained in any other provision of this Act—

(a) the delimitation of the territorial waters between Pakistan and any other State whose coast is opposite or adjacent to that of Pakistan shall be determined by agreement between Pakistan and such State and pending such agreement and unless any other provisional arrangements are agreed to between them, the boundary with regard to the territorial waters between Pakistan and such State shall not extend beyond the line every point of which is equidistant from the baseline from which the breadth of the territorial waters of Pakistan and of such State is measured; and

(b) the delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones between Pakistan

and any other State whose coast is opposite or adjacent to that of Pakistan shall be effected by agreement in accordance with equitable principles and taking account of all the relevant circumstances, and pending such agreement or a settlement Pakistan and such State shall make provisional arrangements taking into account the said principles for delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones.

(2) Every agreement referred to in clauses (a) and (b) of subsection (1) shall, as soon as may be after it is entered into, be published in the official *Gazette*.

#### 9. *Publication of charts.*

The Federal Government may cause the baseline referred to in subsection (3) of section 2, the limits of the Territorial Waters, the Contiguous Zone, the Continental Shelf and the Exclusive Economic Zone and the maritime boundaries as settled by agreements referred to in section 8 to be published in charts.

#### 10. *Offences.*

Whoever contravenes any provision of this Act or of any rule or notification made or issued thereunder shall, without prejudice to any other action which may be taken against such person under any other provision of this or of any other law, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

#### 11. *Offences by companies.*

(1) Where an offence punishable under section 10 has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punishable accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where an offence punishable under section 10 has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* For the purpose of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

12. *Place of trial.*

Any person committing an offence punishable under section 10 or under any of the laws extended under this Act may be tried for the offence in such place or places as the Federal Government may, by general or special order published in the official *Gazette*, direct in this behalf.

13. *Previous sanction of the Federal Government for prosecution.*

No prosecution shall be instituted against any person in respect of any offence punishable under section 10 or under any of the laws extended under this Act without the previous sanction of the Federal Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

14. *Power to make rules.*

(1) The Federal Government may, by notification in the official *Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) regulation of the conduct of any person in the Territorial Waters, the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone or any other maritime zone of Pakistan;

(b) regulation of the exploration, development, exploitation, conservation and management of the resources of the Continental Shelf;

(c) regulation of the exploration, development, exploitation, conservation and management of the resources of the Exclusive Economic Zone;

(d) regulation of the construction, maintenance and operation of artificial islands, offshore terminals, installations and other structures and devices referred to in section 5 and section 6;

(e) preservation and protection of the marine environment and prevention and control of marine pollution;

(f) authorization, regulation and control of the conduct of scientific research;

(g) fees in relation to licences and letters of authority referred to in subsection (3) of section 5 and subsection (3) of section 6 or for any other purpose; or

(h) any matter incidental to any of the matters specified in clauses (a) to (g).



## 25. PORTUGAL

ACT No. 33/77 OF 28 MAY 1977<sup>1</sup>

### *Article 1. Portuguese territorial sea*

1. The breadth of the Portuguese territorial sea is 12 nautical miles.
2. The outer limits of the Portuguese territorial sea are those established by Portuguese law, in accordance with international law.

### *Article 2. Exclusive economic zone*

1. An exclusive economic zone is hereby established, the outer limit of which is a line where each point is at a distance of 200 nautical miles from the point closest to the baseline from which the breadth of the Portuguese territorial sea is measured.
2. Pending the entry into force of the agreements with States whose coasts are opposite or adjacent to those of Portugal, the limits of the zone referred to in paragraph 1 shall not extend beyond the median line, every point of which is equidistant from the nearest point on the baselines from which the breadth of the territorial sea of each State is measured.
3. The provisions of the preceding paragraphs shall not affect the legal status of the Portuguese territorial sea.

### *Article 3. International law*

Establishment of the exclusive economic zone shall take into account the rules of international law, namely those concerning passage and overflight.

### *Article 4. Conservation and management of living resources*

1. In the zone referred to in article 2, the Portuguese State holds exclusive jurisdiction with regard to conservation and management of living resources.
2. Without prejudice to the exceptions provided for in the present act, foreign vessels are not permitted to fish in the exclusive economic zone.
3. For the purposes of the present act, it is understood that "fishing" means the search for, the catch, the harvesting or the utilization of any living resources in that sea, but also the exercise of activities defined as "preparatory to fishing", in accordance with paragraph 2 of article 2 of Decree Law No. 47947, of 18 September 1967, and the practice of acts adversely affecting to the execution of such activities by Portuguese citizens or by others with similar legal status for the purposes of fishing, defined as "acts adversely affecting to the exercise of fishing", in accordance with paragraph 3 of article 2 of the decree-law referred to above.

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<sup>1</sup> Approved on 1 April 1977 by the President of the Assembly of the Republic. Promulgated on 12 May 1977. Unofficial English translation of the Act provided by the Permanent Representative of Portugal to the United Nations in a note verbale dated 19 July 1977.

*Article 5. Regulation of fishing in the exclusive economic zone*

The Government shall enact and enforce regulation of fishing in the exclusive economic zone, including *inter alia*:

- (a) The total allowable catch and the maximum sustainable yield for the fisheries as a whole, as well as for each individual species or population and for each part of any specific area;
- (b) The terms and conditions of fishing of the catch quota allowed to aliens, allocated by country;
- (c) The rational and appropriate practice of fishing activities, including the number and size of fishing vessels, use of equipment and fishing gear and their limitation, when required, closed seasons and areas;
- (d) Protection, conservation and restoration of the living resources of the exclusive economic zone.

*Article 6. International co-operation*

Portugal shall co-operate with the competent subregional, regional or global international organizations, in matters of conservation of the living resources of the sea.

*Article 7. Special regulations for the exclusive economic zone*

Pursuant to the applicable rules of international law of the sea, the Government may establish special regulations for the exclusive economic zone, namely with regard to:

- (a) protection of the environment;
- (b) scientific research;
- (c) artificial installations, permanent or temporary;
- (d) submarine pipelines and cables;
- (e) survey and exploitation, for economic purposes, including energy production, or living and non-living natural resources of the sea-bed, subsoil thereof and superjacent waters.

*Article 8. Penalties*

1. The Government shall submit to the Assembly of the Republic proposals for legislation establishing civil responsibility and penalties incurred by individual and collective persons, nationals and aliens, who violate the provisions of the present act and its regulations.

2. The legislation referred to in the previous paragraph shall include, depending on the gravity of the infractions, *inter alia*, measures for cancelling fishing authorization, arrest of vessels and of their equipment, nets, gear and catch, and their seizure by the State, as well as fines and imprisonment.

3. Pending the entry into force of the legislation referred to in preceding paragraphs, the penalties established in Decree-Law No. 49947 of 18 September 1967, in regard to "fishing waters under jurisdiction", shall be applied to the zone defined in article 2 of the present law; provisions

of paragraphs 2 and 3 of article 5 of the same decree-law shall be applied to infractions committed by foreign vessels in the Portuguese territorial sea.

*Article 9. Living resources of the continental shelf*

The present act does not affect the sovereign rights of the Portuguese State over sedentary species on its continental shelf.

*Article 10. Review of the present act*

The present act, as well as the additional provisions of the juridical status of maritime space under national sovereignty or jurisdiction shall be reviewed in the light of the achievements of the Third United Nations Conference on the Law of the Sea and other developments with implications for the future law of the sea.

*Article 11. Conformity with special laws in effect*

1. Articles III and V of Law No. 2130 of 22 August 1966, are hereby revoked.

2. Paragraphs 2, 3 and 4 of article 10 of Decree-Law No. 47771, of 29 June 1967, are hereby revoked, and the phrase "...and on the coasts of the provinces of Guiné, Angola and Moçambique" is hereby deleted from the body of that same article.

*Article 12. Fishing by foreign vessels*

During an interim period, not exceeding 12 months, the Government may permit fishing by foreign vessels in the exclusive economic zone, without complete fulfilment of the conditions established by this act.

## 26. REPUBLIC OF KOREA

(a) TERRITORIAL SEA LAW, 1977<sup>1</sup>

*Article 1. Breadth of the territorial sea*

The territorial sea of the Republic of Korea shall be the area of the waters up to the outer limit of twelve nautical miles measured from the baseline. However, the breadth of the territorial sea in the specified area may be determined otherwise within the limit of twelve nautical miles in accordance with the Presidential Decree.

*Article 2. Baseline*

1. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the Republic of Korea.

2. In the area of the waters where geographically special circumstances

<sup>1</sup> Law No. 3037, entered into force as from 30 April 1978, pursuant to its Supplementary Provision and article 1 of the Regulation concerning the date of entry into force of the Territorial Sea Law and Related Matters. (Presidential Decree No. 8994, which entered into force on 29 April 1979). Unofficial English translation provided by the Permanent Observer of the Republic of Korea to the United Nations in a note verbale dated 10 August 1978.

exist, the straight line joining the points as provided for in the Presidential Decree may be employed as the baseline.

*Article 3. Internal waters*

The area of waters on the landward side of the baseline for measuring the breadth of the territorial sea shall be the internal waters.

*Article 4. Boundary with the adjacent or opposite state*

The boundary between the territorial sea of the Republic of Korea and that of an adjacent or opposite state, unless otherwise agreed between the States concerned, shall be the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two states is measured.

*Article 5. Passage of foreign ships*

1. Foreign ships enjoy the right of innocent passage through the territorial sea of the Republic of Korea so long as the passage is not prejudicial to the peace, good order or security of the Republic of Korea. When a foreign warship or government ship operated for non-commercial purposes intends to pass through the territorial sea, it shall give a prior notice to the authorities concerned in accordance with the Presidential Decree.

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the Republic of Korea, if in the territorial sea it engages in any of the following activities, except, however, when the activities set out in Subparagraphs (2), (3), (4), (5), (11), and (13) have been authorized, approved or assented by the authorities concerned.

(1) Any threat or use of force against the sovereignty, territorial integrity or independence of the Republic of Korea, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(2) Any exercise or practice with weapons of any kind;

(3) The launching, landing or taking on board of any aircraft;

(4) The launching, landing or taking on board of any military device;

(5) Submerged navigation;

(6) Any act aimed at collecting information to the prejudice of the security of the Republic of Korea;

(7) Any act of propaganda or instigation to the prejudice of the security of the Republic of Korea;

(8) The embarking or disembarking of any commodity, currency or person contrary to the customs, fiscal, immigration or hygienic, sanitary regulations of the Republic of Korea;

(9) The discharge of the pollutant exceeding the standard as provided for in the Presidential Decree;

- (10) Any fishing activities;
- (11) The carrying out of research or survey activities;
- (12) Any act aimed at interfering with any systems of communication or the damage of the facilities or installations of the Republic of Korea;
- (13) Any other activities not having a direct bearing on passage as provided for in the Presidential Decree.

3. The innocent passage of foreign ships may be suspended temporarily in specified area of the territorial sea in accordance with the Presidential Decree if such suspension is considered to be essential to the security of the Republic of Korea.

#### *Article 6. Stopping of a foreign ship*

If a foreign ship (Excluding foreign warships and government ships operated for non-commercial purposes. The same shall apply hereinafter.) is suspected of having violated the provisions of Article 5, the authorities concerned may issue necessary orders or take other necessary measures such as stopping, searching or seizure.

#### *Article 7. Punishment*

1. Crew or other passengers on board of a foreign ship who have violated the provisions of Article 5, paragraph 2 or 3 shall be punishable with penal servitude for not more than five years or with a fine not exceeding twenty million Won, and when the circumstances are considered serious such ship, its equipment, its catches and other articles may be confiscated.

2. Crew or other passengers on board of a foreign ship who have disobeyed, hindered or evaded the order issued or the measure taken in accordance with Article 6 shall be punishable with penal servitude for not more than two years or with a fine not exceeding ten million Won.

3. In case of the violation occurred under paragraph 1 or 2 of this Article the punishment of penal servitude and fine may be imposed concurrently.

4. In the application of this Article if the act referred to in this Article concurrently constitutes a crime under another law the heavier punishment prescribed in the respective laws shall be applied.

#### *Article 8. Exception in the cases of a foreign warship and government ship operated for non-commercial purposes*

If a foreign warship or government ship operated for non-commercial purposes or its crew or passengers on board violate this law or other relevant laws and regulations, such ship may be required to remedy the violation or to leave the territorial sea.

(b) ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978<sup>1</sup>*Article 1. Purpose*

The purpose of this Decree is to regulate matters entrusted by the Territorial Sea Law<sup>2</sup> (hereinafter referred to as "the Law") and those necessary for its enforcement.

*Article 2. Basepoints of Straight Baselines*

In measuring the breadth of the territorial sea, each area of the waters where straight lines are employed as baselines and the basepoints thereof in accordance with the provisions of paragraph 2 of Article 2 of the Law shall be prescribed in Schedule 1 annexed hereto.

*Article 3. Breadth of the Territorial Sea in the Korea Strait*

In accordance with the provisions of Article 1 of the Law, the territorial sea in the waters forming the Korea Strait used for international navigation shall be the area of the waters on the landward side of the line connecting the lines as prescribed in Schedule 2 annexed hereto.

*Article 4. Passage of Foreign Warships or Other Government Ships*

If a foreign warship or other government ship operated for non-commercial purposes intends to navigate through the territorial sea, it shall notify the following particulars to the Minister of Foreign Affairs not later than three (3) days (excluding official holidays) prior to its passage in accordance with the latter part of paragraph 1 of Article 5 of the Law, except in cases where the area of the waters through which the aforementioned ship navigates form a strait used for international navigation in which no high seas route exists.

- (1) Name, type and official number of the ship
- (2) Purpose of the passage
- (3) Passage route and schedule

*Article 5. Activities of Foreign Ships in the Territorial Sea*

1. If a foreign ship intends to conduct any of the activities stipulated in subparagraphs (2) to (5), (11) or (13) of paragraph 2 of Article 5 of the Law, it shall submit an application specifying the following particulars to the Minister of Foreign Affairs and shall obtain authorization, approval or consent from the authorities concerned.

- (1) Name, type and official number of the ship
- (2) Purpose of the activity
- (3) Area of the waters of the activity, passage route and schedule

<sup>1</sup> Presidential Decree No. 9162, entered into force as from 20 September 1978, pursuant to Supplementary Provision No. 1. Unofficial English translation provided by the Permanent Observer of the Republic of Korea to the United Nations in a note verbale of 26 October 1978.

<sup>2</sup> *Supra* (a).

2. Any authorization, approval or consent obtained from the authorities concerned with respect to the activities stipulated in subparagraphs (2) to (5) or (11) of paragraph 2 of Article 5 of the Law in accordance with other laws and regulations shall be regarded as authorization, approval or consent obtained under this Decree.

*Article 6. Standards for Control of Discharge of Pollutants*

The provisions of Article 5 and paragraphs 1 and 2 of Article 10 of the Marine Pollution Prevention Law shall be applied with respect to standards for control of discharge of pollutants as stipulated in subparagraph 9, paragraph 2 of Article 5 of the Law.

*Article 7. Temporary Suspension of the Innocent Passage*

1. The temporary suspension of the innocent passage of a foreign ship in the specified area of the territorial sea in accordance with paragraph 3 of Article 5 of the Law shall be effected by the Minister of National Defense, subject to, in advance, deliberation by the State Council and approval of the President.

2. Upon approval of the President in accordance with the provisions of paragraph 1, the Minister of National Defense shall, without delay, give publicity to the area of the waters in which the innocent passage is suspended temporarily, the duration of suspension, and the reasons therefor.

SCHEDULE 1

*Areas of the Waters where Straight Lines are employed as Baselines and the Basepoints thereof*

<i>Area of the waters</i>	<i>Basepoint</i>	<i>Geographical Designation</i>	<i>Co-ordinates</i>
Yeongil Man <sup>1</sup> ..	1	Dalman Gab <sup>2</sup>	36° 06' 05" North Latitude 129° 26' 06" East Longitude
	2	Janggi Gab	36° 05' 19" North Latitude 129° 33' 36" East Longitude
Ulsan Man ....	3	Hwaam Chu <sup>3</sup>	35° 28' 13" North Latitude 129° 24' 39" East Longitude
	4	Beomueol Gab	35° 25' 45" North Latitude 129° 22' 16" East Longitude
South Sea .....	5	1.5 Meter Am <sup>4</sup>	35° 09' 59" North Latitude 129° 13' 12" East Longitude
	6	Saeng Do <sup>5</sup> (south end)	35° 02' 01" North Latitude 129° 05' 43" East Longitude
	7	Hong Do	34° 31' 52" North Latitude 128° 44' 11" East Longitude
	8	Ganyeo Am	34° 17' 04" North Latitude 127° 51' 25" East Longitude
	9	Sangbaeg Do	34° 01' 38" North Latitude 127° 36' 48" East Longitude
	10	Geomun Do	34° 00' 07" North Latitude 127° 19' 35" East Longitude

<i>Area of the waters</i>	<i>Basepoint</i>	<i>Geographical Designation</i>	<i>Co-ordinates</i>
	11	Yeoseo Do	33° 57' 56" North Latitude 126° 55' 39" East Longitude
	12	Jangsu Do	33° 54' 55" North Latitude 126° 38' 25" East Longitude
	13	Jeolmyeong Seo <sup>6</sup>	33° 51' 54" North Latitude 126° 18' 54" East Longitude
	14	Soheugsan Do	34° 02' 40" North Latitude 125° 07' 34" East Longitude
West Sea . . . . .	15	Sogugheul Do (northwest of Soheugsan Do)	34° 06' 51" North Latitude 125° 04' 42" East Longitude
	16	Hong Do	34° 40' 18" North Latitude 125° 10' 25" East Longitude
	17	Go Seo (northwest of Hong Do)	34° 43' 03" North Latitude 125° 11' 25" East Longitude
	18	Hoeng Do	35° 20' 03" North Latitude 125° 59' 14" East Longitude
	19	Sangwangdeung Do	35° 39' 30" North Latitude 126° 06' 16" East Longitude
	20	Jig Do	35° 53' 10" North Latitude 126° 04' 15" East Longitude
	21	Eocheong Do	36° 07' 05" North Latitude 125° 58' 11" East Longitude
	22	Seogyegyolbi Do	36° 36' 36" North Latitude 125° 32' 30" East Longitude
	23	Soryong Do	36° 58' 38" North Latitude 125° 45' 02" East Longitude

<sup>1</sup> "Man" means bay.

<sup>2</sup> "Gab" means promontory.

<sup>3</sup> "Chu" means lagoon.

<sup>4</sup> "Am" means rock.

<sup>5</sup> "Do" means island.

<sup>6</sup> "Seo" means islet.

#### SCHEDULE 2

##### *Outer Limit of the Territorial Sea in the Korea Strait*

1. The outer line at a distance of three nautical miles measured from the straight baselines joining, in order, Basepoint 5 (1.5 Meter Am), Basepoint 6 (Saeng Do) and Basepoint 7 (Hong Do).

2. The line drawn at 93 degrees, from the point where the line drawn at 127 degrees from Basepoint 5 (1.5 Meter Am) intersects the line mentioned in paragraph 1, to the point where the said line intersects the outer line at a distance of twelve nautical miles measured from the baseline.

3. The line drawn at 172 degrees, from the point where the line drawn at 120 degrees from Basepoint 7 (Hong Do) intersects the line mentioned in



paragraph 1, to the point where the said line intersects the outer line at a distance of twelve nautical miles measured from the baseline.

## 27. SAO TOME AND PRINCIPE

DÉCRET-LOI N° 14/78 DU 16 JUIN<sup>1</sup>

Vu les dispositions du paragraphe 2 de l'article 4 de la Constitution :

Considérant la nécessité de délimiter l'étendue de la mer territoriale de la République démocratique de Sao Tomé-et-Principe;

Compte tenu de ce que pour ce faire il y a lieu de déterminer, conformément aux antécédents historiques, aux particularités géographiques, géologiques, économiques et politiques et au moyen de coordonnées géographiques; la ligne de base à partir de laquelle en mesurer la largeur;

En vertu des pouvoirs qui leur sont conférés au paragraphe 1<sup>er</sup> de l'article 26 de la Constitution, le Gouvernement de la République de Sao Tomé-et-Principe adopte et le Président de la République promulgue le décret-loi ci-après :

*Art. 1<sup>er</sup>.* La mer territoriale de la République démocratique de Sao Tomé-et-Principe a une étendue de douze milles marins mesurés à partir de la ligne de base déterminée par le présent décret-loi, et dont la limite extérieure est constituée par une ligne dont chaque point se trouve à une distance égale à douze milles marins du point le plus proche de la ligne de base.

*Art. 2.* La ligne de base à partir de laquelle est mesurée l'étendue de la mer territoriale de la République démocratique de Sao Tomé-et-Principe est constituée par des lignes droites reliant successivement les points extrêmes des deux îles principales, des îlots et des récifs découverts qui les entourent; elle est déterminée par les coordonnées géographiques suivantes :

1—Ilhéu das Rolas (E.) .....	0° 03' 18" S.	6° 31' 47" E.
2—Ilhéu das Rolas (S.) .....	0° 03' 13" S.	6° 31' 24" E.
3—Ilhéu das Rolas (S.O.) .....	0° 03' 32" S.	6° 31' 01" E.
4—Ilhéu Gabado .....	0° 07' 54" N.	6° 29' 08" E.
5—Ilhéu Côco .....	0° 12' 02" N.	6° 27' 58" E.
6—Ponta Furada .....	0° 14' 39" N.	6° 27' 57" E.
7—Ponta Diogo Vae .....	0° 19' 10" N.	6° 29' 56" E.
8—Pedra Galé .....	1° 43' 41" N.	7° 22' 56" E.
9—Ilhéus Mosteiros .....	1° 41' 12" N.	7° 28' 18" E.
10—Ponta da Graça .....	1° 37' 54" N.	7° 27' 47" E.
11—Ilhéu Carçoço .....	1° 30' 54" N.	7° 25' 56" E.
12—Ilhéu Santana .....	0° 14' 31" N.	6° 45' 56" E.

*Art. 3.* Les eaux situées à l'intérieur de la ligne de base sont les eaux archipélagiques de la République démocratique de Sao Tomé-et-Principe.

<sup>1</sup> Entré en vigueur à partir de la date de sa publication selon l'article 7. Texte français transmis par le représentant permanent de Sao Tomé-et-Principe auprès de l'Organisation des Nations Unies dans une note verbale datée du 6 mars 1979.

*Art. 4.* La souveraineté que l'Etat de Sao Tomé-et-Principe exerce sur tout le territoire national, lequel est composé des îles Sao Tomé, Principe, Pedras, Tinhosas, Ilhéu das Cabras, Ilhéu das Rolas et d'autres îlots adjacents, les eaux archipélagiques, la mer territoriale, l'espace aérien susjacent, ainsi que le sous-sol de l'espace terrestre, s'étend au fond des océans et au sous-sol du territoire aquatique formé par les eaux archipélagiques et la mer territoriale, ainsi qu'à toutes les ressources naturelles, biologiques et non biologiques, qui se trouvent dans tous les espaces susmentionnés, sur lesquels l'Etat de Sao Tomé-et-Principe exerce sa souveraineté.

*Art. 5.* La République démocratique de Sao Tomé-et-Principe, sans préjudice des dispositions des articles précédents, et en conformité avec les principes du droit international, respecte la liberté de navigation et de survol des détroits ou des couloirs utilisés pour la navigation internationale.

*Art. 6.* Toutes les dispositions légales en la matière qui seraient en contradiction avec le présent décret-loi sont révoquées.

## 28. SEYCHELLES

### MARITIME ZONES ACT, 1977<sup>1</sup>

#### 2. In this Act—

“baseline” means the baseline as determined in accordance with the straight baseline system;

“continental shelf” means the continental shelf of Seychelles;

“designated area” means an area declared as such under section 9;

“exclusive economic zone” means the exclusive economic zone of Seychelles;

“historic waters” means the historic waters of Seychelles;

“limit”, in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Seychelles, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

“resources” includes living and non-living resources as well as resources for the production of energy from tides, winds and currents;

“submarines” includes underwater vehicles however propelled;

“territorial waters” means the territorial waters of Seychelles.

3. (1) The sovereignty of Seychelles extends and has always extended to the territorial waters of Seychelles and to the sea-bed and subsoil underlying, and the air space over, such waters.

<sup>1</sup> Act No. 15 of 1977. Supplement to *Official Gazette*, 23 May 1977, pp. 143-149. Entered into force on 1 August 1977. Text and information provided by the Permanent Representative of the Republic of Seychelles to the United Nations in a note verbale of 8 August 1977.

(2) The limit of the territorial waters is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

(3) Notwithstanding anything contained in subsection (2), where the President considers it necessary so to do having regard to International law and State practice, he may, subject to subsection (4), by Order published in the *Gazette*, amend the limit of the territorial waters.

4. (1) Without prejudice to any other enactment in force but subject to subsections (2), (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the President's Office.

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the President is satisfied that it is necessary so to do—

(a) in the interest of public safety, public order, defence or security of Seychelles or any part thereof; or

(b) in pursuance of any treaty to which Seychelles is a party, he may, by Order published in the *Gazette*, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

5. (1) The continental shelf comprises the sea-bed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Seychelles—

(a) to the outer edge of the continental margin; or

(b) to a distance of 200 nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.

(2) Seychelles has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

6. (1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of 200 nautical miles from the baseline.

(2) Notwithstanding anything contained in subsection (1), where the President considers it necessary so to do having regard to International law and State practice, he may, subject to subsection (3), by Order published in the *Gazette*, amend the limit of the exclusive economic zone as specified in subsection (1).

7. (1) Without prejudice to sections 3, 5 and 6, but subject to subsections (3) and (6), Seychelles has, in the continental shelf and the exclusive economic zone—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and conduct scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized by International law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Seychelles or of licence granted by or under the authority of the President, no person shall, in relation to the continental shelf or the exclusive economic zone—

(a) explore or exploit any resources;

(b) carry out any search, excavation or drilling operations;

(c) conduct any research;

(d) construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device.

(3) Subject to subsection (d) and to any measures that may be necessary for protecting the interest of Seychelles, foreign States may lay or maintain cables or pipelines on the continental shelf and the sea-bed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the sea-bed of the exclusive economic zone unless the authority of the President has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Seychelles or a body corporate registered in Seychelles and approved by the Minister of Fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Seychelles of its sovereign rights over its continental shelf or within the exclusive economic zone enjoy the following freedoms—

(a) freedom of navigation; and

(b) freedom of overflight.

8. (1) The President may, by Order published in the *Gazette*, specify the limits of the historic waters.

(2) The sovereign rights of Seychelles extends, and has always extended, to the historic waters and to the sea-bed and subsoil underlying, and the air space over, the historic waters.

9. The President may, by Order published in the *Gazette*—

(a) declare any area of the continental shelf or the exclusive economic zone to be a designated area; and

- (b) make such provisions as he considers necessary with respect to—
- (i) the exploration, exploitation and protection of the resources within the designated area;
  - (ii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in the designated area;
  - (iii) the regulation and conduct of scientific research in the designated area;
  - (iv) the protection of the marine environment in the designated area;
  - (v) customs and other fiscal matters in relation to the designated area;
  - (vi) the regulation of entry into and passage of foreign ships through the designated area;
  - (vii) the establishment of fairways, sealanes, traffic separation schemes or any mode of ensuring freedom of navigation which is not prejudicial to the interest of Seychelles.

10. The President may, by Order published in the *Gazette*—

(a) extend with such restrictions and modifications as he thinks fit, any enactment in force to the continental shelf or the exclusive economic zone, or any part thereof, including any designated area;

(b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

11. The President may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

12. (1) Any person who contravenes any provisions of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees or to imprisonment for a term not exceeding five years.

(2) Any person who commits an offence shall be tried in the Supreme Court.

13. (1) Where an offence is committed by—

(a) an agent, the person for whom the agent is acting;

(b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity,

shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance

of, or is attributable to any neglect on the part of the director, manager, secretary, or other officer of the body corporate, such director, manager, secretary or other officer shall commit the like offence.

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

15. (1) The President may make such regulations as he considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters—

(a) the regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historical waters;

(b) the regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;

(c) the regulation of the construction, maintenance of artificial islands, offshore terminals, installations and other structures and devices;

(d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;

(e) the regulation and conduct of scientific research;

(f) the fees in relation to licences; and

(g) any matter incidental to any of the matters specified in paragraphs (a) to (f).

## 29. SOLOMON ISLANDS

### (a) DECLARATION OF ARCHIPELAGOS OF SOLOMON ISLANDS, 1979<sup>1</sup>

In exercise of the powers conferred by section 2 (1) of the Delimitation of Marine Waters Act,<sup>2</sup> the Prime Minister hereby declares the following groups of islands to be archipelagos for the purposes of the Act—

#### *Main Group Archipelago*

Shortland Islands, Treasury Islands, Choiseul Islands, New Georgia Islands, Santa Isabel Islands, Dai Island, Russell Islands, Florida Islands, Malaita Island, Guadalcanal Island, Makira Island, Santa Ana Island, Santa Catalina Island, Ulawa Island.

<sup>1</sup> Declaration made on 20 April 1979. English text provided by the Department of Foreign Affairs, Office of the Prime Minister of the Solomon Islands, in a letter of 14 September 1979.

<sup>2</sup> No. 32 of 1978.

*The Rennell, Bellona and Indispensable Reef Atoll Archipelago*

Rennell Island, Bellona Island, Indispensable Reef Atoll.

*The Ontong Java Group Archipelago*

Ontong Java Atoll.

*The Santa Cruz Islands Archipelago*

Santa Cruz Islands.

*The Duff Islands Archipelago*

Duff Islands.

(b) DECLARATION OF ARCHIPELAGIC BASELINES, 1979<sup>1</sup>

In exercise of the powers conferred by section 4 (2) of the Delimitation of Marine Waters Act, 1978, the Prime Minister hereby declares that the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters and the innermost limits of the territorial sea of the archipelagos of Solomon Islands shall be those geographical co-ordinates specified below—

Point	Co-ordinates		On B.A. Chart
	South	East	
THE MAIN GROUP ARCHIPELAGO			
1. On the reef . . . . .	06° 59' . 2	155° 31' .75	3419
2. On West Coast of Mono I. . . . .	07° 23' .85	155° 31' . 2	3419
3. At Laifa Point . . . . .	07° 25' . 1	155° 31' . 6	3419
4. On West Coast of Stirling I. . . . .	07° 27' . 2	155° 33' . 1	3419
5. At Cape Satisfaction . . . . .	08° 18' . 4	156° 31' . 1	3419
6. On Rendova I. . . . .	08° 43' .15	157° 20' . 0	3416
7. On Rendova I. . . . .	08° 44' .25	157° 23' . 0	3416
8. On Tetipari I. . . . .	08° 47' .78	157° 37' .75	3416
9. Off South I. . . . .	08° 48' . 7	157° 45' . 9	3416
10. Off East I. . . . .	08° 48' . 5	157° 49' . 0	3416
11. At Masaubaga Point . . . . .	09° 42' . 6	159° 42' . 4	1469
12. Off Cape Hunter . . . . .	09° 47' . 7	159° 49' . 1	1469
13. Off Koliula Point . . . . .	09° 49' . 7	160° 03' . 1	1469 & 3404
14. On San Cristobal I. . . . .	10° 35' . 3	161° 30' . 7	3412
15. At Cape Howu . . . . .	10° 40' . 1	161° 37' . 1	3412
16. Off Cape Sydney . . . . .	10° 45' . 9	161° 46' . 8	3412
17. On the reef . . . . .	10° 47' .25	161° 51' . 0	3412
18. On Sta. Catalina I. . . . .	10° 54' . 2	162° 27' . 0	3412
19. At S.E. Point of Sta. Catalina I. . . . .	10° 54' . 0	162° 28' . 0	3412
20. On Sta. Ana I. . . . .	10° 50' . 0	162° 28' . 5	3412
21. On Ulawa I. . . . .	09° 43' . 4	161° 59' . 5	3412
22. At Ngora Ngora Point . . . . .	09° 42' . 5	161° 58' . 9	3412
23. At Cape Arsacides . . . . .	08° 37' .55	161° 00' . 7	3404

<sup>1</sup> Declaration made on 20 August 1979. English text provided by the Department of Foreign Affairs, Office of the Prime Minister of the Solomon Islands, in a letter of 14 September 1979.

<i>Point</i>	<i>Co-ordinates</i>		<i>On B.A. Chart</i>
	<i>South</i>	<i>East</i>	
24. Off Nadi I. ....	07° 52' . 4	160° 38' . 2	3403
25. Off Nadi I. ....	07° 52' . 1	160° 37' .15	3403
26. Off Cape Megapode .....	07° 45' . 2	158° 57' .45	3403
27. Off Papatura Ito. I. ....	07° 34' .75	158° 47' . 2	3402
28. Off Omona I. ....	07° 29' . 5	158° 40' . 4	3402
29. Off North Gijunabeana .....	07° 28' . 6	158° 38' . 8	3402
30. Off Suki I. ....	07° 18' . 4	158° 04' . 7	3402
31. Off Malaengari .....	06° 38' .15	156° 39' .25	3419
32. Off Cape Alexander .....	06° 35' . 5	156° 31' . 9	3419
33. Off Pomba Inlet .....	06° 34' . 7	156° 27' .75	3419
34. On Ooma Atoll .....	06° 37' . 8	156° 06' . 0	3419
35. On Ovau I. ....	06° 46' . 8	155° 59' . 3	3419
36. On Maifu I. ....	06° 54' .45	155° 49' .75	3419
37. On the reef .....	06° 58' . 9	155° 31' .85	3419
Thence to Point 1 above			
38. Off Bellona I. ....	11° 16' . 1	159° 44' . 9	208
39. On North Reef .....	12° 19' . 0	160° 03' . 1	208
40. On Middle Reef .....	12° 39' . 8	160° 17' . 0	208
41. On South Reef .....	13° 00' . 0	160° 33' . 0	208
42. On South Reef .....	13° 02' . 5	160° 36' . 0	208
43. On South Reef .....	13° 00' . 1	160° 38' . 5	208
44. On Rennell I. ....	11° 51' . 2	160° 39' . 1	208
45. On Rennell I. ....	11° 42' . 8	160° 29' . 7	208
46. On Bellona I. ....	11° 17' . 1	159° 48' . 8	208
47. On Bellona I. ....	11° 16' . 3	159° 46' . 7	208
Thence to Point 38 above			
ONTONG JAVA GROUP ARCHIPELAGO			
48. Off Kengo I. ....	05° 24' . 7	159° 12' .05	214
49. Off Kiloma I. ....	05° 28' .65	159° 16' . 8	214
50. Off Alunga I. ....	05° 31' . 6	159° 33' . 8	214
51. Off Ngikolo I. ....	05° 32' .35	159° 38' . 9	214
52. Off Akoo I. ....	05° 31' .55	159° 40' . 5	214
53. Off Luaniu I. ....	05° 28' .95	159° 43' . 0	214
54. On Nuika I. ....	05° 23' . 1	159° 42' . 5	214
55. On the reef .....	05° 02' . 1	159° 23' . 1	214
56. On the reef .....	05° 00' . 7	159° 18' . 6	214
57. On the reef .....	05° 02' . 0	159° 16' . 0	214
58. On the reef .....	05° 07' .65	159° 12' . 9	214
59. On the reef .....	05° 21' . 5	159° 10' .85	214
60. Off Nguhakai I. ....	05° 23' . 4	159° 11' . 0	214
Thence to Point 48 above			
61. At Cape Boscawon .....	10° 49' .85	165° 46' . 1	17
62. On Astrolabe Reefs .....	11° 43' . 9	166° 49' . 9	17
63. On Astrolabe Reefs .....	11° 44' . 5	166° 51' .15	17
64. On Astrolabe Reefs .....	11° 45' .05	166° 54' . 3	17
65. On Boussole Reef .....	11° 43' . 8	166° 59' . 4	17
66. Off Astrolabe Point .....	11° 42' .45	167° 01' . 7	17
67. Off North East Passage .....	11° 36' .05	167° 01' . 2	17
68. On Temoa I. ....	10° 15' . 8	166° 22' .65	17
69. Off Nufiloli I. ....	10° 10' .55	166° 17' . 8	17



Point	Co-ordinates		On B.A. Chart
	South	East	
70. Off Nukapu I. ....	10° 04' . 1	166° 02' .75	17
71. Off Nupani I. ....	10° 01' . 9	165° 42' . 9	17
72. Off Nupani I. ....	10° 02' . 2	165° 42' . 3	17
73. Off Nupani I. ....	10° 05' .65	165° 41' .65	17
74. Off Nemba ....	10° 46' .95	165° 44' . 8	17
75. Off Nemba ....	10° 47' . 9	165° 45' . 0	17
Thence to Point 61 above			
THE DUFF ISLANDS ARCHIPELAGO			
76. On Tuleki I. ....	09° 45' .35	167° 03' . 6	17
77. On Papa I. ....	09° 48' . 6	167° 05' . 8	17
78. Off Taumako I. ....	09° 53' . 6	167° 10' . 5	17
79. On Loteva I. ....	09° 55' . 8	167° 14' . 8	17
80. On the Islet ....	09° 55' .05	167° 14' . 8	17
81. On Taumako I. ....	09° 52' .05	167° 11' .55	17
82. On the Islet ....	09° 46' . 5	167° 05' . 3	17
83. On Tuleki I. ....	09° 45' .55	167° 04' . 1	17
Thence to Point 76 above.			

### 30. SPAIN

#### (a) ACT NO. 10/1977 OF 4 JANUARY CONCERNING THE TERRITORIAL SEA<sup>1</sup>

There is in Spanish law no provision defining precisely what constitutes the Spanish territorial sea. The varied provisions relating to the exercise of State jurisdiction in respect of specific matters within the maritime belt surrounding our coasts use a number of different terms, such as "jurisdictional waters", "Spanish maritime zone", "Spanish waters", "national coastal sca", and also "territorial sea". Moreover, the provisions which use these terms, particularly "jurisdictional waters", apply them to the specific subject area of the provision in question (fishing, taxation, health, etc.).

Accordingly, it is urgently necessary to put an end to this situation by establishing a general definition of the territorial sea, in accordance with prevailing international law and specifically with the Geneva Convention of 29 April 1958,<sup>2</sup> to which Spain acceded on 25 February 1971.

In producing this definition, it was necessary to specify clearly and definitively the breadth of the belt in question, which was set at 12 nautical miles, that being the limit now established by most States and considered to be in accordance with prevailing international law.

For the purposes of both fishing (Act No. 20/1967, of 8 April)<sup>3</sup> and

<sup>1</sup> *Gaceta de Madrid* No. 7 of 8 January 1977. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> United Nations, *Treaty Series*, vol. 516, p. 205; also in ST/LEG/SER.B/15, pp. 721-728.

<sup>3</sup> Reproduced in ST/LEG/SER.B/15, pp. 668, 669.

taxation (Decree No. 3281/1968, of 26 December), this had already been established as the limit for the exercise of Spanish jurisdiction.

A general provision legally defining the Spanish territorial sea and determining its breadth cannot be confined to those two questions but must also settle, to the extent that a State can do so unilaterally, the question of the delimitation, both inner (landward) and outer (towards the high seas or the territorial seas of other States), of the belt.

In view not only of the technical advantages which the system of straight baselines and bay closing lines presents for the purpose of determining the outer limit of the territorial sea in the case of an irregular coastline like that of Spain, but also of its importance for the purpose of drawing the equidistance lines to delimit maritime spaces in relation to those of other States, the Act opts for the application of that system and, as regards the outer delimitation of the territorial sea, contains the only provision which can be adopted unilaterally, namely, that our waters shall not, failing agreement between the States concerned, extend beyond the median line between the respective baselines, provided that the latter are in accordance with international law.

The Act, which respects the rights of States whose nationals are at present entitled to fish in our waters under the provisions of the European Fisheries Convention of 9 March 1964<sup>1</sup> or under bilateral agreements, includes as a final provision the text of the declaration concerning Gibraltar made by Spain upon its accession to the Geneva Conventions of 29 April 1958.

In virtue whereof, and in accordance with the Act approved by the Spanish Cortes, I hereby confirm the following:

*Article 1.* The sovereignty of the Spanish State shall extend, beyond its land territory and its internal waters, to the territorial sea adjacent to its coast, delimited in accordance with the provisions of the following articles.

Such sovereignty shall be exercised, in accordance with international law, over the water column, sea-bed, subsoil and resources of the territorial sea, and over the superjacent airspace.

*Article 2.* The inner limit of the territorial sea shall be determined by the low-water line and by such straight baselines as may be established by the Government.

*Article 3.* The outer limit of the territorial sea shall be determined by a line drawn in such a way that the points constituting it are at a distance of 12 nautical miles from the nearest points of the baselines referred to in the preceding article.

*Article 4.* Failing agreement to the contrary, the territorial sea shall not, in relation to neighbouring countries and countries whose coasts are opposite to those of Spain, extend beyond the median line every point of

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<sup>1</sup> United Nations, *Treaty Series*, vol. 581, p. 57; see also ST/LEG/SER.B/15, pp. 862-865.

which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two countries is measured, such baselines being drawn in accordance with international law.

*Article 5.* This Act shall not affect the fishing rights recognized or established for foreign vessels under international agreements.

*First final provision*

This legal enactment is not to be interpreted as recognition of any rights or situations in connexion with the waters of Gibraltar other than those referred to in article 10 of the Treaty of Utrecht, of 13 July 1713,<sup>1</sup> between the Crowns of Spain and Great Britain.

*Second final provision*

The Government is hereby authorized to adjust legislation to the provisions of this Act.

*Transitional provision*

The straight baselines established by the Decree in implementation of Act No. 20/1967, of 8 April,<sup>2</sup> shall constitute the inner limit of the territorial sea, in accordance with article 2 of this Act, until such time as the Government exercises the powers conferred on it by that article.

(b) DECREE NO. 205/1969 OF 25 SEPTEMBER 1969 REGULATING UNDER-WATER ACTIVITIES<sup>3</sup>

...

*Article 18.* The following shall be prohibited:

1. Fishing or the taking of shellfish of any kind by means of the diving techniques regulated by this Decree.
2. The preparation of plans or charts of the sea-bed without prior express authorization of the local naval authority, which may refuse such authorization for security or other reasons.
3. The use of explosives, except for duly authorized professional work.
4. Diving under the influence of drugs or alcohol or in violation of such rules concerning personal safety as may be established.

*Article 19.* The extraction of seaweed, sargasso, etc., by means of the said diving techniques shall be subject to compliance with the provisions regulating such activities.

*Article 20.* Without prejudice to the rights laid down in the Civil Code, any diver who finds submerged objects of apparent artistic, archaeological, scientific or material value shall be required to inform the

<sup>1</sup> *Documentos sobre Gibraltar Presentados a las Cortes Españolas por el Ministro de Asuntos Exteriores*, Madrid, 1975, pp. 144-145; see also *British and Foreign State Papers*, v. 1, p. 673.

<sup>2</sup> Reproduced in ST/LEG/SER.B/15, pp. 668-669.

<sup>3</sup> Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

local naval authority, which shall, in the case of artistic or archaeological objects, immediately notify the Provincial Office of the Ministry of Education and Science of the discovery and deliver the objects to it for appropriate action. The military or civil authorities, according to their respective fields of competence, shall be similarly notified when the discovery occurs as a result of underwater activities in an inland reservoir, river or watercourse.

*Article 21.* The naval authorities for the coastal sea, the offices of military and civilian governors, water-supply districts and water boards may, according to their respective fields of competence, establish areas where diving is temporarily or permanently prohibited.

In the absence of provisions to the contrary, all areas adjoining military naval installations, seaward of the installations for a distance to be specified, shall be deemed to be prohibited areas. Berthed or anchored naval vessels, and merchant ships, shall be deemed to be military installations for these purposes.

*Article 22.* In addition to any penalties which may be applicable under Act No. 163/1961 of 23 December concerning penalties for infringements of the laws, regulations and general navigation rules of the maritime and port industries not covered by the Merchant Marine Penal Law, violations of this Decree may result in suspension of the corresponding permit for a period appropriate to the gravity of the violation, or even to cancellation of the permit.

*Article 23.* The Ministry of Marine shall be responsible for:

1. Establishing maritime areas in which underwater activities are prohibited or restricted by reason of their implications for national defence.
2. Granting authorizations for underwater research, exploration, underwater works and the removal of underwater debris, in accordance with the provisions of Act No. 60/1962 of 24 December.

(c) ROYAL DECREE No. 2510/1977 OF 5 AUGUST 1977<sup>1</sup>

Act No. 20/1967, of 8 April,<sup>2</sup> extended Spanish jurisdictional waters to 12 miles for purposes of fishing. By virtue of the provisions of its article 2, the baseline from which the width of the zone is measured was defined by the lowest low-water line along all coasts under Spanish sovereignty, but the same article authorized the Government to decide the drawing of straight baselines joining the appropriate points on the coast, in accordance with the applicable international rules, for such places as it considered desirable. It was also established in the same article that if the distance between the low-water lines of the natural points of entrance or

<sup>1</sup> *Gaceta de Madrid* No. 234 of 30 September 1977. By virtue of article 2 of this decree, Decree No. 627/1976 of 5 March 1976 concerning the drawing of straight baselines is rescinded. Spanish text transmitted by the Permanent Representative of Spain to the United Nations in a note verbale of 11 January 1978: Translation by the Secretariat of the United Nations.

<sup>2</sup> Reproduced in ST/LEG/SER.B/15, pp. 668-669.

opening of a bay does not exceed 24 miles, the straight line joining them shall be considered the baseline and the waters between this line and the coast shall be internal waters.

*Article 1.* The straight baselines for the delimitation of Spanish jurisdictional waters, referred to in article two of Act No. 20/1967, of 8 April, shall be the following:

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
	ATLANTIC OCEAN		
	<i>North and north-west coast of Spain</i>		
128	From Islote Amuitz (Cabo Higuera) to Guetaria (Isla San Antón N.)	43° 23,76 43° 18,68	01° 47,60 02° 12,19
	From Guetaria to Cabo Machichaco (Peñón)	43° 27,44	02° 45,25
	From Cabo Machichaco to Islote Villano (Cabo Villano)	43° 26,45	02° 56,10
	From Islote Villano to Punta Pescador	43° 27,90	03° 26,20
127	From Cabo Ajo to Cabo de Lata	43° 30,83 43° 29,65	03° 35,30 03° 48,70
	From Cabo Lata to Islote La Perla (Punta Somocueva)	43° 28,38	03° 56,71
	From Islote La Perla to Cabo Oriambre	43° 24,34	04° 20,60
	From Cabo Oriambre to Cabo de Mar	43° 27,75	04° 55,60
	From Cabo de Mar to Lastres	43° 32,10	05° 17,78
	From Cabo Lastres to Punta del Olivo	43° 33,28	05° 24,75
	From Punta del Olivo to Islote La Gavieta (Cabo Peñas)	43° 39,65	05° 50,50
	From Islote La Gavieta to Islote Las Monistas (Cabo Peñas)	43° 39,87	05° 52,02
126 a	From Islote Las Monistas (Cabo Peñas) to Islote Chouzano (Cabo Vidio)	43° 35,78	06° 14,65
	From Islote Chouzano to Islote Romanellas	43° 34,55	06° 37,65
	From Islote Romanellas to Islote Orrio de Tapia	43° 34,58	06° 56,95
	From Islote Orrio de Tapia to Islote El Pie (Los Farallones)	43° 43,15	07° 26,22
	From Islote El Pie to Islote El Estaquín (Pta. de la E. de Bares)	43° 47,52	07° 41,45

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
125 A	From Islote El Estaquín to Islote Caballo Juan (Cabo Ortegal)	43° 46,83	07° 52,05
	From Islote Caballo Juan to Punta del Limo	43° 46,10	07° 54,28
	From Punta del Limo to Punta Candelaria (Islote)	43° 42,85	08° 02,85
	From Punta Candelaria to Cabo Prior	43° 34,12	08° 18,92
	From Cabo Prior to Isla Sisarga (Grande)	43° 21,75	08° 50,93
	From Isla Sisarga to Punta del Boy	43° 11,35	09° 10,42
	From Punta del Boy to Cabo Villano	43° 09,85	09° 12,88
	From Cabo Villano to Cabo Toriñana	43° 03,39	09° 17,95
124	From Punta Insua (Islote) to Berrón de la Nave (Cabo la Nave)	43° 02,90 42° 55,25	09° 18,06 09° 17,95
	From Berrón de la Nave to Centolo de Finisterre	42° 53,38	09° 17,36
	From Centolo de Finisterre to Cabo Corrubedo	42° 34,48	09° 05,50
	From Cabo Corrubedo to Islote del Faro (Isla Cies)	42° 12,80	08° 55,12
	From Islote del Faro to Cabo Sillero (Islote Carral)	42° 06,91	08° 54,03
	<i>South-west coast of Spain</i>		
115	From southern point of Isla Canela to Punta Umbría	37° 10,25 37° 10,30	07° 22,40 06° 56,90
	From Punta Umbría to Torre del Oro (Ruins)	37° 05,38	06° 43,70
	From Torre del Oro to Bajo Salmedina (Torre Baliza) (Chipiona)	36° 44,00	06° 28,50
	From Bajo Salmedina (Torre Baliza) to Castillo de San Sebastián	36° 31,77	06° 18,86
	From Castillo de San Sebastián to Castillo de Sancti Petri	36° 22,85	06° 13,15
	From Castillo de Sancti Petri to Cabo Trafalgar	36° 11,03	06° 02,03
	From Cabo Trafalgar to Tarifa (Isla)	36° 00,15	05° 36,50
	From Tarifa (Isla) to Punta del Acebuche	36° 03,06	05° 27,85

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
	MEDITERRANEAN SEA		
	<i>South and east coast of Spain</i>		
116	From Punta Carbonera to Punta de Baños	36° 14,70 36° 27,61	05° 18,00 05° 00,35
	From Punta de Baños to Torre de Calahonda	36° 29,32	04° 42,60
	From Torre de Calahonda to Punta de Calaburras	36° 30,50	04° 38,30
	From Punta de Calaburras to Punta de Vélez-Málaga	36° 43,60	04° 06,20
	From Punta de Vélez-Málaga to Punta de Torrox	36° 43,66	03° 57,36
	From Punta de Torrox to Cabo Sacratif	36° 41,70	03° 28,05
	From Cabo Sacratif to Punta de Llano	36° 41,73	03° 25,05
	From Punta de Llano to Punta Negra	36° 44,78	03° 12,58
	From Punta Negra to Punta de las Entinas	36° 40,89	02° 46,22
	From Punta de las Entinas to Punta del Sabinal	36° 41,02	02° 42,03
	From Punta del Sabinal to Punta Baja (Cabo Gata)	36° 43,20	02° 11,00
	From Punta Baja (Cabo Gata) to Punta Negra (Cabo Gata)	36° 43,35	02° 09,95
119	From Punta Negra (Cabo Gata) to Morro Genovés	36° 44,30	02° 06,83
	From Morro Genovés to Punta de Loma Pelada	36° 46,75	02° 03,53
	From Punta de Loma Pelada to Punta de Media Naranja	36° 58,33	01° 54,15
	From Punta de Media Naranja to Garrucha (Green light)	37° 10,97	01° 48,91
	From Garrucha (Green light) to Monte Cope	37° 25,40	01° 29,40
117	From Monte Cope to Cabo Tiñoso	37° 32,15	01° 06,40
	From Cabo Tiñoso to Cabo del Agua	37° 33,32	00° 55,05
	From Cabo del Agua to Punta de la Espada	37° 36,50	00° 43,00

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>	
117	From Punta de la Espada to Islas Hormigas	37° 39,39	00° 38,88	
	From Islas Hormigas to Cabo Cervera	37° 59,92	00° 38,70	
	From Cabo Cervera to Isla de Tabarca	38° 09,60	00° 27,95	
	From Isla de Tabarca to Cabo de las Huertas	38° 21,06	00° 24,20	
	From Cabo de las Huertas to Punta de la Escaleta	38° 31,45	00° 05,35	
			<i>East longitude</i>	
119	From Punta de la Escaleta to Punta de Ifach	38° 37,78	00° 05,03	
	From Punta de Ifach to Cabo de la Nao	38° 43,84	00° 14,20	
	From Cabo de la Nao to Isla del Portichol	38° 45,50	00° 13,98	
	From Isla del Portichol to Cabo de S. Antonio	38° 48,17	00° 11,83	
	From Cabo de S. Antonio to Puerto de Denia (Green light)	38° 50,80	00° 07,43	
				<i>West longitude</i>
	From Puerto de Denia (Green light) to Cabo Cullera	39° 11,14	00° 12,93	
	From Cabo Cullera to Puerto de Sagunto (Pier end)	39° 38,54	00° 12,42	
				<i>East longitude</i>
	From Puerto de Sagunto to Peñíscola	40° 21,45	00° 24,50	
From Peñíscola to Punta de la Baña	40° 34,50	00° 41,85		
From Punta de la Baña to Cabo Tortosa	40° 43,16	00° 53,20		
From Cabo Tortosa to Cabo de Salou	41° 03,23	01° 10,24		
120	From Barcelona (Light) to Arenys de Mar (Breakwater end)	41° 20,11 41° 34,30	02° 10,22 02° 33,30	
	From Cabo Bagur to Isla Maza de Oro (Cabo Creus)	41° 56,90 42° 19,05	03° 13,96 03° 19,90	
	From Isla Maza de Oro to the frontier	42° 26,00	03° 10,40	



<i>Map number</i>		<i>North latitude</i>	<i>East longitude</i>
	<i>Balearic Islands</i>		
	<i>Islands of Mallorca and Cabrera</i>		
119	From Cabo Formentor to Cabo del Freu	39° 57,70 39° 44,90	03° 12,80 03° 27,65
	From Punta de Amer to Punta Galera	39° 34,60 39° 21,65	03° 23,80 03° 13,80
	From Punta Galera to Islote Imperial	39° 07,55	02° 57,60
	From Punta Anciola to Cabo Llebeix (Dragonera)	39° 07,70 39° 34,10	02° 55,12 02° 18,20
	<i>Island of Minorca</i>		
119	From Cabo Nati to Islote Nitge	40° 03,10 40° 05,52	03° 49,50 04° 04,50
	From Cabo Caballería to Punta d'es Murté	40° 05,30 40° 04,10	04° 05,50 04° 08,40
	From Punta Damminat to Cabo Favaritx	40° 03,60 39° 59,70	04° 10,30 04° 16,20
	From Cabo Favaritx to Cabo Espero	39° 52,50	04° 19,70
	From Cabo Espero to Isla del Aire (E)	39° 47,95	04° 17,80
	From Isla del Aire (W) to Cabo Dartuch	39° 47,90 39° 55,30	04° 17,05 03° 49,26
	From Cabo Dartuch to Cabo Binicous	39° 59,90	03° 47,60
	<i>Islands of Ibiza and Formentera</i>		
119	From Punta Jonch to Isla Tagomago	39° 05,32 39° 01,90	01° 36,25 01° 39,15
	From Isla Tagomago to Faro de Formentera	38° 39,70	01° 35,00
	From Punta Rotja to Cabo Berbería	38° 38,90 38° 38,40	01° 34,15 01° 23,10
	From Cabo Berbería to Islote Vedra	38° 51,75	01° 11,20
	From Islote Vedra to Islote Bleda Plana	38° 58,70	01° 09,50
	From Islote Bleda Plana to Cabo Eubarca	39° 04,42	01° 21,62
	ATLANTIC OCEAN		
	<i>Canary Islands</i>		
	<i>Island of Gran Canaria</i>		
207	From El Roque (La Isleta) to Roque de Melenera	28° 09,80 27° 59,45	15° 23,85 15° 21,77

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
207	From Roque de Melenera to Peninsula de Gando	27° 55,78	15° 21,39
	From Peninsula de Gando to Roque Arinaga	27° 51,58	15° 22,78
	From Roque Arinaga to Punta Tenefe	27° 48,30	15° 25,41
	From Punta Tenefe to Playa Maspalomas (E)	27° 44,05	15° 34,41
	From Playa Maspalomas (W) to Punta Taozo	27° 43,95 27° 44,85	15° 35,83 15° 40,38
	From Isla de la Aldea to Punta Sardina	28° 00,72 28° 09,83	15° 49,30 15° 42,45
	From Punta Sardina to Punta Ortiz	28° 10,10	15° 41,05
	From Punta Ortiz to Punta Guanarteme	28° 10,25	15° 38,19
	From Punta Guanarteme to Punta de la Isleta	28° 10,73	15° 25,10
	<i>Island of Tenerife</i>		
207	From Punta Antequera to Punta del Socorro	28° 31,88 28° 18,20	16° 07,39 16° 21,60
	From Punta de Buenavista to Punta del Viento	28° 23,55 28° 30,95	16° 49,65 16° 25,18
	From Punta Hidalgo to Roques de Anaga (N)	28° 34,65 28° 33,20	16° 19,10 16° 09,20
	From Roques de Anaga (N) to Roque Bermejo	28° 34,75	16° 07,80
	<i>Island of Hierro</i>		
520	From Punta Caleta to Punta del Miradero	27° 47,91 27° 38,80	17° 53,00 17° 58,10
	From Punta de la Restinga to Punta de Orchilla	27° 38,22 27° 42,21	17° 59,35 18° 08,78
	From Punta de la Sal to Punta y Roques de Salmor	27° 46,22 27° 49,42	18° 07,85 17° 59,63
	From Punta y Roques de Salmor to Punta del Negro	27° 50,30	17° 57,74
	<i>Island of La Palma</i>		
519	From Punta Juan Adalid to Punta del Corcho	28° 51,38 28° 50,57	17° 54,55 17° 47,18
	From Punta Llana to Punta de Arenas Blancas	28° 44,24 28° 34,12	17° 43,35 17° 45,46
	<i>Islands of Lanzarote, Fuerteventura</i>		
	<i>Alegranza, Graciosa, Montaña Clara and Lobos</i>		

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
204,			
206	From Punta Delgada (Alegranza) to Roque del Este	29° 24,10 29° 16,50	13° 29,00 13° 20,00
	From Roque del Este to Cabo Ancones	29° 01,10	13° 27,80
	From Punta Lima to Punta del Tarajalillo	28° 55,80 28° 35,45	13° 36,87 13° 49,25
	From Punta de la Entallada to Punta del Matorral	28° 13,65 28° 02,60	13° 56,55 14° 19,80
	From Punta del Matorral to Punta Jandía	28° 03,72	14° 30,35
	From Punta Pesebre to Risco Blanco	28° 06,52 28° 19,90	14° 29,35 14° 11,88
	From Risco Blanco to Punta de Tostón	28° 42,90	14° 00,80
	From Punta de Tostón to Punta de la Ensenada	29° 01,85	13° 48,90
	From Punta de la Ensenada to Punta Grieta (Alegranza)	29° 42,50	13° 31,35

The geographical co-ordinates have been taken from the Spanish nautical maps listed below:

<i>Number</i>	<i>Edition</i>	<i>Date</i>
128	First	December 1952
127	First	March 1953
126 a	Second	June 1952
125 A	Second	October 1952
124	First	January 1966
116	Second	September 1963
117	Second	June 1966
119	First	September 1956
120	First	April 1954
207	Second	September 1968
520	First	September 1974
519	Second	September 1974
204	Second	February 1975
206	First	January 1972
115	First	July 1967

- (d) [CIRCULAR DATED 30 OCTOBER 1970 CONCERNING RULES APPLICABLE TO THE CONDUCT OF OCEANOGRAPHIC RESEARCH IN MARITIME AREAS SUBJECT TO SPANISH JURISDICTION]<sup>1</sup>

### 31. SRI LANKA

#### (a) MARITIME ZONES LAW NO. 22 OF 1976<sup>2</sup>

...

2. (1) The President of the Republic of Sri Lanka may, by Proclamation<sup>3</sup> published in the *Gazette*, declare the limits of the sea beyond the land territory and internal waters of Sri Lanka which shall be the territorial sea of Sri Lanka, specifying in such Proclamation the base lines from which such limits shall be measured. The waters on the landward side of such base-lines shall form part of the internal waters of Sri Lanka.

(2) Where an island or rock, or a group of islands and rocks, or a group of islands or a group of rocks, constituting part of the territory of Sri Lanka is situated seaward from the main coast or base-line, the territorial sea shall extend to the limits declared by the Proclamation under subsection (1) measured from the low-water mark of ordinary spring tides along the seaward edge of such island or rock, or group of islands and rocks, or group of islands or group of rocks.

(3) The sovereignty of the Republic extends to the territorial sea and to the air space over the territorial sea as well as to its bed and sub-soil.

3. (1) Ships of all States shall enjoy the right of innocent passage through the territorial sea. Passage is innocent only so long as such passage is not prejudicial to the peace, good order or security of the Republic:

Provided that no foreign warship shall enter or pass through the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(2) No foreign aircraft shall enter or pass through the air space above the territorial sea, except in accordance with the written laws in force in Sri Lanka:

Provided that no foreign military aircraft shall enter or pass through the air space above the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(3) A foreign ship or foreign aircraft which acts in contravention of the provisions of this section is liable to confiscation.

(4) The Minister may, by Order published in the *Gazette*, suspend, in a specified area or areas of the territorial sea the right of innocent

<sup>1</sup> *Infra*, division III, 20 (d).

<sup>2</sup> Of 1 September 1976. Text transmitted by the Permanent Representative of Sri Lanka to the United Nations in a note verbale dated 26 May 1977.

<sup>3</sup> See *infra* (b).

passage of any ship, if, in his opinion, such suspension is necessary in order to safeguard the peace, good order or security of the Republic.

4. (1) The President may, by Proclamation<sup>1</sup> published in the *Gazette*, declare the limits of a zone contiguous to the territorial sea and extending seawards from the outer limits of the territorial sea which shall be the contiguous zone of Sri Lanka.

(2) Where there is a reasonable apprehension of the contravention of any written laws of Sri Lanka in relation to—

- (a) the security of the Republic;
- (b) immigration, health and sanitation; or
- (c) customs and other revenue matters,

the relevant Minister shall take such measures as may be necessary in respect of the contiguous zone in order to secure the enforcement of, or to prevent the contravention of, such laws.

5. (1) The President may, by Proclamation<sup>1</sup> published in the *Gazette*, declare any zone of the sea adjacent to the territorial sea, as well as the sea-bed and sub-soil thereof, to be the exclusive economic zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

(2) All the natural resources, both living and non-living, within the exclusive economic zone, on and under the sea-bed and in the sub-soil and on the water surface and within the water column shall vest in the Republic.

(3) In the exclusive economic zone the Republic has—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, as well as for the production of energy from tides, winds and currents, and for other economic uses;

(b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone, for the convenience of shipping or for any other purpose; and

(d) other rights recognized by international law.

6. (1) The continental shelf of Sri Lanka shall comprise—

(a) the sea-bed and sub-soil of the submarine areas that extend beyond the territorial sea of Sri Lanka throughout the natural prolongation of the land territory of Sri Lanka to the outer edge of the continental margin or to a distance of two hundred nautical miles from the base line from which the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and

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<sup>1</sup> See *infra* (b).

(b) the sea-bed and sub-soil of the analogous submarine areas adjacent to the coast of any island or rock, or group of islands and rocks, or group of islands or group of rocks, constituting part of the territory of Sri Lanka.

(2) All the natural resources, both living and non-living, on and under the sea-bed and in the sub-soil of the continental shelf shall vest in the Republic.

(3) In respect of the continental shelf the Republic has—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living;

(b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf, for the convenience of shipping or for any other purpose; and

(d) other rights recognized by international law.

7. (1) The President may, by Proclamation<sup>1</sup> published in the *Gazette*, declare any zone of the sea adjacent to the territorial sea, and of the sea-bed and sub-soil thereof, to be the pollution prevention zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

(2) The relevant Minister shall take such steps as may be necessary to control and prevent the pollution of, and to preserve the ecological balance within, such zone.

8. Notwithstanding the provisions of this Law or any other written law—

(a) the boundary between Sri Lanka and India in the waters from Palk Strait to Adam's Bridge shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

Position 1: 10° 05' North, 80° 03' East

Position 2: 09° 57' North, 79° 35' East

Position 3: 09° 40.15' North, 79° 22.60' East

Position 4: 09° 21.80' North, 79° 30.70' East

Position 5: 09° 13' North, 79° 32' East

Position 6: 09° 06' North, 79° 32' East;

(b) the boundary between Sri Lanka and India in the Gulf of Mannar shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

<sup>1</sup> See *infra* (b).

Position 1m: 09° 06.0' North, 79° 32.0' East  
 Position 2m: 09° 00.0' North, 79° 31.3' East  
 Position 3m: 08° 53.8' North, 79° 29.3' East  
 Position 4m: 08° 40.0' North, 79° 18.2' East  
 Position 5m: 08° 37.2' North, 79° 13.0' East  
 Position 6m: 08° 31.2' North, 79° 04.7' East  
 Position 7m: 08° 22.2' North, 78° 55.4' East  
 Position 8m: 08° 12.2' North, 78° 53.7' East  
 Position 9m: 07° 35.3' North, 78° 45.7' East  
 Position 10m: 07° 21.0' North, 78° 38.8' East  
 Position 11m: 06° 30.8' North, 78° 12.2' East  
 Position 12m: 05° 53.9' North, 77° 50.7' East  
 Position 13m: 05° 00.0' North, 77° 10.6' East;

(c) the boundary between Sri Lanka and India in the Bay of Bengal shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

Position 1 b: 10° 05.0' North, 80° 03.0' East  
 Position 1 ba: 10° 05.8' North, 80° 05.0' East  
 Position 1 bb: 10° 08.4' North, 80° 09.5' East  
 Position 2 b: 10° 33.0' North, 80° 46.0' East  
 Position 3 b: 10° 41.7' North, 81° 02.5' East  
 Position 4 b: 11° 02.7' North, 81° 56.0' East  
 Position 5 b: 11° 16.0' North, 82° 24.4' East  
 Position 6 b: 11° 26.6' North, 83° 22.0' East.

9. (1) The President may by Proclamation<sup>1</sup> published in the *Gazette* declare the limits of the historic waters of Sri Lanka.

(2) The Republic of Sri Lanka shall exercise sovereignty, exclusive jurisdiction and control in and over the historic waters, as well as in and over the islands and the continental shelf and the sea-bed and sub-soil thereof within such historic waters.

10. As soon as may be convenient after the coming into operation of this Law, and thereafter whenever necessary, the Minister may require the Surveyor-General to publish or cause to be published a map indicating the low-water mark of ordinary spring tides, the base-lines for measurement of the territorial sea, and the outer limits of the territorial sea and other maritime zones and jurisdiction of Sri Lanka declared in accordance with the provisions of this Law.

11. Notwithstanding anything to the contrary in any other written law, every reference in any written law to the expressions "territorial waters", "territorial sea", "coastal waters", "contiguous zone", "exclusive

<sup>1</sup> See *infra* (b).

economic zone", "continental shelf" or "pollution prevention zone" shall be read and construed subject to and in accordance with the provisions of this Law.

12. In order to give effect to the principles and provisions of this Law, all written laws in force in Sri Lanka shall be read and construed as though the applicability of such laws, wherever relevant, extends to the limits of the contiguous zone, the exclusive economic zone, the continental shelf, or the pollution prevention zone, as the case may be.

13. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Law.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or upon such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the National State Assembly for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

14. In any proceedings before any court in Sri Lanka, if a question arises as to whether any act or omission has been done or omitted to be done within or without the territorial sea of Sri Lanka, or in any other zone or jurisdiction declared under this Law, a certificate of the Minister signed by him shall be *prima facie* proof of the place where such act or omission was done or omitted to be done.

15. In this Law, unless the context otherwise requires—

"foreign aircraft" shall have the same meaning as in the Air Navigation Act;

"military aircraft" means an aircraft which, by reason of the equipment contained therein, could be used for any warlike purpose;

"ship" means any description of ship or vessel or boat, or any other description of vessel used in navigation on or below the waters and not exclusively propelled by oars, paddles or poles, and includes all equipment, apparel and appurtenances (excluding supplies for maintenance) which are necessary for navigation and conduct of the business of the ship; and

"warship" means a ship which, by reason of the equipment contained therein, could be used for any warlike purpose.

(b) PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977<sup>1</sup> IN PURSUANCE OF MARITIME ZONES LAW No. 22 OF 1976<sup>2</sup>

*Whereas* the National State Assembly has enacted the Maritime Zones Law, No. 22 of 1976,<sup>2</sup> which provides for the declaration of the territorial

<sup>1</sup> The *Gazette* Extraordinary of the Republic of Sri Lanka No. 248/1 of 15 January 1977. Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 March 1977.

<sup>2</sup> See *supra* (a).



sea and other maritime zones of Sri Lanka and all other matters connected therewith or incidental thereto:

*And whereas* it has become necessary to declare in accordance with the provisions of the said Maritime Zones Law the extents, respectively, of the territorial sea, the contiguous zone, the exclusive economic zone, the pollution prevention zone and the historic waters:

*Now therefore*, I, William Gopallawa, President of the Republic of Sri Lanka, do by this Proclamation declare, in pursuance of the powers vested in me by sections 2, 4, 5, 7 and 9 respectively of the Maritime Zones Law, No. 22 of 1976<sup>1</sup>—

(1) that the territorial sea of Sri Lanka shall, notwithstanding anything in any prior proclamation declaring the territorial sea of Sri Lanka, and except as provided in paragraph 7 (iii) hereof, extend to the sea to a distance of 12 nautical miles measured from the baselines described in paragraph (2);

(2) that the breadth of the territorial sea shall be measured from the low water mark of ordinary spring tides along the coast of the mainland and along the seaward edge of islands:

Provided that for the purpose of determining the baselines for delimiting the territorial sea:

- (i) a low tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as islands,
- (ii) permanent installations further out to sea which form an integral part of a port system shall be considered as part of the coast of the mainland,
- (iii) the method of straight baselines may be employed in drawing the baselines where there are deep bays and inlets in the coast or where there is a fringe of islands immediately adjacent to the coast, provided that such baselines shall not depart appreciably from the general direction of the coast and the areas of the sea lying landward from these lines shall be sufficiently closely linked to the land domain to be subject to the régime of internal waters;

Provided further that baseline from which the breadth of the territorial sea shall be measured in the sea north of Point Pedro shall be the arc of Great Circle between the following positions defined by latitude and longitude in the Palk Strait—

- (i) 09° 49' 8" North, 80° 15' 2" East,
  - (ii) 10° 05' 0" North, 80° 03' 0" East;
- (3) that the contiguous zone of Sri Lanka shall extend 24 nautical miles seaward from the baselines from which the territorial sea is measured;

<sup>1</sup> See *supra* (a).

(4) that the exclusive economic zone of Sri Lanka shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(5) that the pollution prevention zone shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(6) that notwithstanding anything in paragraphs (4) and (5), the exclusive economic zone and the pollution prevention zone of Sri Lanka in the Gulf of Mannar and the Bay of Bengal shall extend to the sea up to the maritime boundary between Sri Lanka and India as defined in section 8 of the Maritime Zones Law No. 22 of 1976;<sup>1</sup>

(7) (i) that the historic waters of Sri Lanka shall comprise the areas of sea in the Palk Strait, Palk Bay and the Gulf of Mannar bounded by:

(a) the coast of the mainland of Sri Lanka;

(b) the maritime boundary between Sri Lanka and India as defined in Section 8 of the Maritime Zones Law, No. 22 of 1976;<sup>1</sup>

(c) the arc of Great Circle between the following positions defined by latitude and longitude in the Gulf of Mannar:

(i) 08° 15' 0" North, 79° 44' 0" East,

(ii) 08° 22' 2" North, 78° 55' 4" East; and

(d) the arc of Great Circle between the following positions defined by latitude and longitude in the Palk Strait:

(i) 09° 49' 8" North, 80° 15' 2" East,

(ii) 10° 05' 0" North, 80° 03' 0" East;

(ii) the historic waters in the Palk Bay and Palk Strait shall form part of the internal waters of Sri Lanka;

(iii) the historic waters in the Gulf of Mannar shall form part of the territorial sea of Sri Lanka.

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<sup>1</sup> See *supra* (a).

## 32. SURINAME

### LAW CONTAINING THE EXTENSION OF THE TERRITORIAL SEA OF THE REPUBLIC OF SURINAME AND THE ESTABLISHMENT OF A CONTIGUOUS ECONOMIC ZONE, 1978<sup>1</sup>

#### *Article 1*

1. The sovereignty of the Republic of Suriname extends beyond the land territory and the internal waters to:

- A. A belt of sea adjacent to its coast and described as the territorial sea;
- B. The air space above the territorial sea and
- C. The sea-bed and the subsoil of the territorial sea.

The Republic of Suriname exercises this sovereignty with due observance of the rules of international law.

#### *Article 2*

The outer limit of the territorial sea is determined by a line, each point of which is situated at a distance of 12 nautical miles from the nearest point on the line of the low-water mark along the shore, the so-called baseline.

#### *Article 3*

The belt of sea adjacent to and extending from the outer limit of the territorial sea of the Republic of Suriname to a distance of 200 nautical miles, measured from the line of the low-water mark as defined in article 2 of this law, is considered the economic zone.

#### *Article 4*

1. In the economic zone the Republic of Suriname has sovereign rights concerning the exploration, exploitation, conservation and management of natural resources, living as well as non-living, on the sea-bed and in the subsoil and the superjacent waters.

2. Without prejudice to the above it can be decreed that the provisions of this law and the instructions based thereon shall also apply to:

- A. To erect and use artificial islands, installations and similar structures;
- B. To protect the sea environment; this includes taking measures against pollution;
- C. To conduct scientific research and experiments;
- D. To extract energy from water currents and winds;

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<sup>1</sup> Entered into force on 11 June 1978, the day following its proclamation, pursuant to article 18. Information and unofficial English translation provided by the Permanent Representative of Suriname to the United Nations in a letter of 2 June 1978.

E. To engage in other activities aimed at the economic exploration and exploitation of this zone.

*Article 5*

In the economic zone described above, all nations, with due observance of the international law, enjoy:

1. Freedom of navigation;
2. Freedom of overflight;
3. Freedom to lay submarine cables and pipelines;
4. Freedom to exercise internationally recognized rights in connection with navigation and communication.

*Article 6*

1. No one is allowed, without a license previously issued by government decree, to engage in activities in the economic zone which constitute an infringement of the rights stated in Article 4.

2. General conditions which a license holder will have to meet may be laid down by Government decree. Moreover, when a license is granted, special conditions may be made in it or obligations attached to it.

3. A license may be revoked at all times on account of activities which violate one or more conditions or obligations under which it was granted and, furthermore, at the exclusive discretion of the appropriate authority, on the ground of reasons which derive from the public interest or if the national interest may so require. A similar decision will mention the grounds on which it is based. In special cases this may be omitted.

*Article 7*

1. Intentional violation of the provisions stated in or resulting from this law will be punishable with a prison term of maximum six years and a fine of maximum five hundred thousand guilders.

2. In the case of a prison sentence, the judge may impose a fine as well.

*Article 8*

1. Non-intentional violation of the provisions stated in or resulting from this law will be punishable with a jail term of maximum one year or a fine of maximum one hundred thousand guilders.

2. In the case of a jail sentence the judge may impose a fine as well.

*Article 9*

A person who does not fulfill one or more conditions attached to the license, as stated in Article 6, or who does not do so on time or in full, or a person who acts in violation of such conditions, will be punished with a fine of maximum one hundred thousand guilders.

*Article 10*

The acts made punishable in Article 7 will be considered as criminal offenses and those made punishable in Articles 8 and 9 as misdemeanors.

*Article 11*

The objects used to commit offenses as described in Articles 7, 8 and 9, as well as goods obtained from the offense, may be confiscated.

*Article 12*

1. If the offender is unknown or has died before the start of the prosecution, the confiscation may be decided upon by judicial decree, at the request of the public prosecutor.

2. The decree will be made public by the Registrar in the *Advertentieblad* of the Republic of Suriname and/or in one or more newspapers to be chosen by the judge.

3. The decree will take effect, except if a party concerned files a petition with the Registrar within two months after publication and if it appears in the course of further investigation that no offence was committed regarding the matter in question.

4. During fourteen days the Attorney General has the right to appeal decrees issued in accordance with paragraph 1, to the Court. The same applies to decrees issued on account of paragraph 3, resulting from a petition.

*Article 13*

If one of the acts made punishable in Articles 7, 8 and 9 is committed by or through a group or corporation, criminal prosecution will be instituted and the sentence pronounced against the one who ordered the perpetration of the act or who was the actual leader of the unlawful activity or neglect.

*Article 14*

1. The public prosecutor has the authority, in the case of acts made punishable by Articles 7, 8 and 9, to lay down conditions the voluntary fulfilment of which will cancel the right to prosecution.

2. The legal provisions which apply in this matter to misdemeanors, will be applicable in a similar fashion to criminal offenses as described in Article 7.

*Article 15*

1. With the investigation of acts made punishable by this law are charged, besides persons assigned by Article 8 of the Penal Code, persons belonging to the armed forces of Suriname and/or other persons, especially assigned by the Minister of Justice and Police.

2. The investigators are at all times authorized to confiscate, or claim for confiscation, all objects which may lead to the discovery of the truth or of which the confiscation or destruction, total or partial, may be ordered.

*Article 16*

1. If the goods confiscated on the ground of Article 15 contain perishables, the Attorney General may grant permission for the sale of these goods or merchandise.

2. The sale will be conducted in public by the investigators, and according to local custom.

3. Proceeds from the sale of goods or merchandise as mentioned above may be confiscated.

### 33. TOGO

ORDONNANCE N° 24 DU 16 AOÛT 1977 PORTANT DÉLIMITATION DES EAUX TERRITORIALES ET CRÉATION D'UNE ZONE MARITIME ÉCONOMIQUE PROTÉGÉE<sup>1</sup>

#### *Article premier*

Les eaux territoriales sont fixées à une distance de 30 milles marins à compter de la laisse de la plus basse mer.

#### *Article 2*

Il est créé une zone maritime économique protégée de 200 milles marins à partir de la ligne de base servant à déterminer la mer territoriale.

#### *Article 3*

Dans cette zone l'Etat se réserve l'exploration et l'exploitation des ressources naturelles biologiques et non biologiques. L'étendue de sa juridiction portera sur l'ensemble des ressources économiques situées à la surface de l'eau, dans l'espace marin sous-jacent et dans son sous-sol.

#### *Article 4*

Dans un esprit de solidarité interafricaine l'Etat togolais s'engage à faire participer à l'exploitation des ressources biologiques les Etats voisins de l'hinterland dans le cadre d'accords bilatéraux ou régionaux.

### 34. UNITED REPUBLIC OF CAMEROON

a) LOI N° 74/16 DU 5 DÉCEMBRE 1974 FIXANT LA LIMITE DES EAUX TERRITORIALES DE LA RÉPUBLIQUE-UNIE DU CAMEROUN<sup>1</sup>

#### *Article premier*

L'article 5 de l'ordonnance n° 62/DF/30 du 31 mars 1962 portant code de la marine marchande et la loi n° 67/LF/25 du 3 novembre 1967<sup>2</sup> sont abrogés et remplacés par les dispositions ci-après :

#### *Article 5 (nouveau)*

La limite des eaux territoriales de la République-Unie du Cameroun est fixée à 50 milles marins à partir de la laisse de la plus basse mer.

<sup>1</sup> Texte transmis par le représentant permanent de la République togolaise auprès de l'Organisation des Nations Unies par note en date du 3 novembre 1977.

<sup>2</sup> Promulguée par le Président de la République le 5 décembre 1974. Texte transmis par le représentant permanent de la République-Unie du Cameroun auprès de l'Organisation des Nations Unies par une note verbale en date du 25 novembre 1977.

<sup>3</sup> Reproduit dans ST/LEG/SER.B/15, p. 51.

Pour les golfes, baies et rades, des décrets fixent les lignes de base à partir desquelles cette distance est comptée.

Des décrets fixent également la limite de la "zone contiguë" dans laquelle la pêche et l'exploitation du sel sous-marin peuvent être réservées aux navires et sociétés camerounais.

b) DÉCRET N° 71/DF/416 DU 26 AOÛT 1971<sup>1</sup>

*Article premier*

Le décret n° 62/DF/216 du 25 juin 1962 susvisé est modifié comme suit :

*Article premier (nouveau)*

Dans les golfes, baies et rades du Cameroun, les lignes à partir desquelles les 18 milles marins formant la limite des eaux territoriales en application de l'article 5 modifié du Code de la marine marchande sont du nord au sud définies comme suit :

1. *Rade formée par la rivière Akwafe.* Ligne tirée de la pointe Bakasi à la pointe Hanley; ensuite de cette pointe jusqu'à la pointe Sandy et de la pointe Sandy à la pointe de l'Est.
2. *Rade formée par l'embouchure du Rio del Rey.* Ligne tirée depuis le Cap Bakasi jusqu'à la pointe Betika.
3. *Baie de Bibundi.* Ligne tirée depuis la pointe Madale jusqu'au Cap Debundscha.
4. *Baie Ambas.* Ligne tirée depuis le Cap Limboh jusqu'à la pointe sud de l'île Ambas et ensuite de cette pointe jusqu'au Cap Nachtigal.
5. *Baie du Navire de guerre.* Ligne tirée depuis le Cap Nachtigal jusqu'au Cap Bimbia.
6. *Rade formée par l'embouchure de la rivière Bimbia.* Ligne tirée depuis le Cap Bimbia jusqu'au point d'intersection de la côte avec le méridien international 9° 21' 40" Est.
7. *Rade formée par l'embouchure de la rivière Wouri.* Ligne tirée depuis le point défini ci-dessus jusqu'à la pointe Suellaba.

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<sup>1</sup> Modifiant le décret n° 62/DF/216 du 25 juin 1962 définissant les lignes à partir desquelles dans les golfes, baies et rades sont comptées les eaux territoriales camerounaises. Texte transmis par le représentant permanent de la République-Unie du Cameroun par note en date du 25 novembre 1977.

## Chapter II

### NAVIGATION THROUGH THE TERRITORIAL SEA AND SAFETY OF SHIPS THERE

#### 1. BANGLADESH

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974,  
Section 3 (4)-(8)]<sup>1</sup>

#### 2. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Sections 5-9]<sup>2</sup>

#### 3. CAPE VERDE

[DECREE NO. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL SEA,  
Article 2]<sup>3</sup>

#### 4. COLOMBIA

[ACT NO. 10 OF 1978, Article 2]<sup>4</sup>

#### 5. CUBA

[ACT OF 24 FEBRUARY 1977 CONCERNING THE BREADTH OF THE TERRITORIAL  
SEA OF THE REPUBLIC OF CUBA, Article 5]<sup>5</sup>

#### 6. DEMOCRATIC YEMEN

[ACT NO. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECO-  
NOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Ar-  
ticles 6-10]<sup>6</sup>

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<sup>1</sup> *Supra*, chap. I, 2.

<sup>2</sup> *Ibid.*, 4.

<sup>3</sup> *Ibid.*, 5.

<sup>4</sup> *Ibid.*, 6.

<sup>5</sup> *Ibid.*, 8.

<sup>6</sup> *Ibid.*, 10.



## 7. DENMARK

[ORDINANCE OF 27 FEBRUARY 1976 GOVERNING THE ADMISSION OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT TO DANISH TERRITORY IN TIME OF PEACE, Section 3]<sup>1</sup>

## 8. ECUADOR

[CIVIL CODE, Article 628]<sup>2</sup>

## 9. GERMANY, FEDERAL REPUBLIC OF

(a) ACT OF 8 JULY 1975 CONCERNING THE PARIS AND BRUSSELS ATOMIC LIABILITY CONVENTIONS<sup>3</sup>

...

### *Article 2*

In order to facilitate the movement of nuclear ships, the Federal Government may make orders bringing into force international agreements which regulate the use of foreign waters and harbours by nuclear ships authorized to fly the flag of the Federal Republic of Germany, or the use of waters and harbours of the Federal Republic of Germany by nuclear ships flying a foreign flag, where such agreements fulfil the following conditions:

1. The provisions concerning technical safety must correspond in substance to the version for the time being in force of the regulations in chapter VIII of the International Convention for the Safety of Life at Sea, 1960,<sup>4</sup> and with the recommendations in annex C to the Final Act of the International Conference on Safety of Life at Sea, 1960 (*Bundesgesetzblatt* 1965, II, pp. 465 and 480).

2. The provisions concerning legal liability must correspond in substance to article I (4) to (8), article II, article III, paragraph 2, article IV, article V, paragraph 1, first sentence, and paragraphs 2 to 4, article VIII, article X, paragraphs 1 and 2, and article XI, paragraph 4, of the Brussels Convention on the Liability of Operators of Nuclear Ships and must pro-

<sup>1</sup> *Infra*, chap. VI, 3.

<sup>2</sup> *Supra*, chap. I, 12.

<sup>3</sup> *Bundesgesetzblatt* 1975, part II, p. 957. Full title: Act concerning the Convention of 29 July 1960 on third party liability in the field of nuclear energy and supplementary agreements, the Convention of 25 May 1962 on the liability of operators of nuclear ships and additional protocol and the Convention of 17 December 1971 relating to civil liability in the field of maritime carriage of nuclear material. By this law, the Lower House of Parliament (Bundestag) of the Federal Republic of Germany consented to the above-named Conventions. Text provided by the Permanent Representative of the Federal Republic of Germany in a note verbale of 2 August 1977. Translation by the Secretariat of the United Nations.

<sup>4</sup> United Nations, *Treaty Series*, vol. 536, p. 27.

vide, in the case of any one nuclear incident, for maximum liability of at least the amount indicated in article III, paragraphs 1 and 4, of that Convention and not exceeding DM 1 billion.

3. The provisions of national or international law concerning the limitation of shipowners' liability to that established by contract shall not apply.

...

(b) [ACT CONCERNING THE PEACEFUL USE OF NUCLEAR ENERGY AND PROTECTION AGAINST ITS DANGERS (ATOMIC ACT) AS AMENDED ON 31 October 1976]<sup>1</sup>

## 10. GUATEMALA

[LEGISLATIVE DECREE No. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Article 2]<sup>2</sup>

## 11. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Section 6]<sup>3</sup>

## 12. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Section 4]<sup>4</sup>

## 13. MALDIVES

LAW NO. 32/76 OF 5 DECEMBER 1976 RELATING TO THE NAVIGATION AND PASSAGE BY FOREIGN SHIPS AND AIRCRAFTS THROUGH THE AIRSPACE, TERRITORIAL WATERS AND THE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES<sup>5</sup>

1. Ships of all States shall enjoy the right of innocent passage through the territorial waters and other exclusive economic zone of the Republic of Maldives. Passage shall be considered innocent only if such passage is not prejudicial to the peace, good order and security of the Republic of Maldives.

<sup>1</sup> *Infra*, division IV, 3 (a).

<sup>2</sup> *Supra*, chap. I, 14.

<sup>3</sup> *Ibid.*, 16.

<sup>4</sup> *Ibid.*, 19.

<sup>5</sup> Text transmitted by the Deputy to the Head of the Department of External Affairs of the Republic of Maldives in a note dated 16 January 1977.

However, no foreign warship shall enter the territorial sea of the Republic of Maldives, nor a foreign fishing vessel shall enter its economic zone without prior consent of the Government of the Republic of Maldives. While navigating in the territorial waters of Maldives foreign warships shall fly their national flag. Submarines shall navigate on the surface and show their flag.

2. No foreign aircraft shall enter or pass through the air space of the territory of the Republic of Maldives except in conformity with the international norms and in accordance with the laws and regulations in force in the Republic of Maldives. Foreign military aircraft shall not enter or pass through the air space of the territory of the Republic of Maldives without prior consent of the Government of the Republic of Maldives.

Salvage and rescue operations of foreign ships within the territorial waters of the Republic of Maldives shall be carried out in accordance with the regulations and practices in effect in the Republic of Maldives.

3. Any foreign ship which runs aground on an island, a reef or a sandbank within the territory of the Republic of Maldives, if abandoned, without notifying the incident to the Government of the Republic of Maldives, shall be property of the Government.

4. All ships shall bear responsibility for any damage caused within the territory or economic zone to any other party by the negligence or deliberate action of those ships.

5. Any person or persons who act in contravention of the provisions of this law shall be guilty of an offence and shall upon conviction be penalized in accordance with the laws and regulations of the Republic of Maldives.

6. In this law unless the context otherwise requires—

“Ship” means any description of ship or vessel or boat or craft or any other description of vessel used in navigation on or below the waters.

“Warship” means a ship belonging to the armed forces of a State, or a ship which by reason of the equipment contained therein could be used for any warlike purpose.

“Military aircraft” means an aircraft belonging to the armed forces of a State or an aircraft which by reason of the equipment contained therein could be used for any warlike purpose.

#### 14. NEW ZEALAND

[MARINE POLLUTION ACT, 1974, Section 18]<sup>1</sup>

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<sup>1</sup> *Infra*, division IV, 6 (a).

## 15. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 3 and 9-14]<sup>1</sup>

## 16. REPUBLIC OF KOREA

- (a) [TERRITORIAL SEA LAW, 1977, Articles 5-8]<sup>2</sup>  
 (b) [ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978, Articles 5 and 7]<sup>3</sup>

## 17. SEYCHELLES

[MARITIME ZONES ACT, 1977, Section 4]<sup>4</sup>

## 18. SPAIN

ORDER OF 24 FEBRUARY 1977 CONCERNING CLEARANCE FOR DEPARTURE AND PASSAGE OF SHIPS CARRYING OIL IN BULK AS CARGO<sup>5</sup>

1. Any Spanish ship carrying more than 2,000 tons of oil in bulk as cargo shall be prohibited from sailing unless it has on board a certificate issued by the Directorate of Insurance of the Ministry of Finance attesting that the insurance or financial security referred to in the Order of this Ministry of 4 March 1976 is fully in force.

Harbour-masters shall not grant clearance for departure to any Spanish ship to which the prohibition applies and shall immediately report to the Directorate of Shipping, for appropriate action, any arrival in violation thereof; the ship in question shall forthwith be immobilized at such place as is deemed most appropriate to prevent any escape of oil, and any other measures judged necessary for that purpose shall be applied and strictly enforced.

2. The passage through the territorial sea or internal waters of Spain of any foreign ship carrying more than 2,000 tons of oil in bulk as cargo shall be prohibited unless it has on board a valid certificate of insurance or other financial security within the limit prescribed by article V, paragraph 1, of the International Convention on Civil Liability for Oil Pol-

<sup>1</sup> *Supra*, chap. I, 24.

<sup>2</sup> *Ibid.*, 26 (a).

<sup>3</sup> *Ibid.*, 26 (b).

<sup>4</sup> *Supra*, chap. I, 28.

<sup>5</sup> Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations. This Order is issued in order to implement article VII, paragraphs 10 and 11, of the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969, reproduced in ST/LEG/SER.B/16, p. 447.

lution Damage, done at Brussels on 29 November 1969, issued or endorsed by the appropriate authorities of the State of the ship's registry. For the purpose of granting clearance for arrival or departure to such ships, harbour-masters shall require the production of such a certificate and shall take due note thereof.

Warships or other ships owned or operated by a State and used, for the time being, only on government non-commercial service shall be exempt from the aforementioned requirements. Similarly, such requirements shall not apply to ships owned by a Contracting State to the Convention and used for commercial purposes, provided that they produce a certificate issued by the appropriate authority of the State of the ship's registry stating that the ship is owned by that State and that civil liability for damage is covered by that State within the limits prescribed by article V, paragraph 1, of the Convention.

3. Without prejudice to any other penalty or liability which may be incurred or, in the case of a foreign merchant ship, to an immediate demand to leave the Spanish territorial sea as soon as a violation is established, violations of the above provisions shall be punishable, where appropriate, by the naval commanders of the province in which the violation was committed or discovered, in accordance with the provisions of Act No. 168/1961 of 23 December concerning penalties for offences under the Merchant Marine and Fisheries Act, Regulations and Ordinances.

## 19. SRI LANKA

[MARITIME ZONES LAW No. 22 OF 1976, Section 3]<sup>1</sup>

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<sup>1</sup> *Supra*, chap. I, 31 (a).

## Chapter III

### SECURITY OF THE COASTAL STATE

#### 1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Articles 6, 9 and 12]<sup>1</sup>

#### 2. GUATEMALA

[LEGISLATIVE DECREE No. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Article 8]<sup>2</sup>

#### 3. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Section 6 (4)]<sup>3</sup>

#### 4. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Section 3 (4)]<sup>4</sup>

#### 5. REPUBLIC OF KOREA

- (a) [TERRITORIAL SEA LAW, 1977, Articles 5, 6 and 7]<sup>5</sup>
- (b) ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978, Article 1]<sup>6</sup>

#### 6. SPAIN

[DECREE No. 205/1969 OF 25 SEPTEMBER 1969 REGULATING UNDERWATER ACTIVITIES, Articles 18 (2), (3), 21 and 23]<sup>7</sup>

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<sup>1</sup> *Supra*, subdivision A, chap I, 10.

<sup>2</sup> *Ibid.*, 14.

<sup>3</sup> *Ibid.*, 16.

<sup>4</sup> *Ibid.*, 24.

<sup>5</sup> *Ibid.*, 26 (a).

<sup>6</sup> *Ibid.*, 26 (b).

<sup>7</sup> *Ibid.*, 30 (b).

7. SRI LANKA

[MARITIME ZONES LAW No. 22 OF 1976, Section 4 (2)]<sup>1</sup>

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<sup>1</sup> *Ibid.*, 31 (a).

## Chapter IV

### CUSTOMS, FISCAL AND SANITARY MATTERS

#### 1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 12]<sup>1</sup>

#### 2. REPUBLIC OF KOREA

[TERRITORIAL SEA LAW, 1977, Article 5 (8)]<sup>2</sup>

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<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 10.

<sup>2</sup> *Ibid.*, 26 (a).



**Chapter V**  
**CRIMINAL AND CIVIL JURISDICTION OVER FOREIGN  
SHIPS IN THE TERRITORIAL SEA**

**SRI LANKA**

[MARITIME ZONES LAW NO. 22 OF 1976, SECTION 14]<sup>1</sup>

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<sup>1</sup> *Ibid.*, 31 (a).

## Chapter VI

### STATUS OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA

#### 1. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Section 9]<sup>1</sup>

#### 2. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 7]<sup>2</sup>

#### 3. DENMARK

ORDINANCE OF 27 FEBRUARY 1976 GOVERNING THE ADMISSION OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT TO DANISH TERRITORY IN TIME OF PEACE<sup>3</sup>

##### *Part 1. General provisions*

1. (1) This Ordinance shall apply to the admission of foreign warships and military aircraft to Danish territory when Denmark as well as the State by which the vessel or aircraft is owned are in a state of peace.

(2) Other vessels and aircraft which are owned or used by a foreign State and which are not employed exclusively for commercial purposes shall be equated with foreign warships and military aircraft in the application of the provisions of this Ordinance.

(3) For the purposes of this Ordinance the term "passage" means innocent passage within the meaning of international law.

(4) Where advance permission is required pursuant to this Ordinance, the application for such permission shall be submitted not less than eight days in advance. Where advance notification of passage is required, such notification shall be given not less than three days in advance of the proposed passage.

<sup>1</sup> *Ibid.*, 4.

<sup>2</sup> *Ibid.*, 10.

<sup>3</sup> English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

(5) The Minister of Defence may make exceptions to the provisions of this Ordinance.

2. (1) For the purpose of this Ordinance the term "Danish territory" means Danish land territory and Danish territorial waters and the air space over these territories.

(2) Danish territorial waters embrace the territorial sea and internal waters as defined in the relevant provisions in force at any given time.

*Part 2. Warships*

3. (1) Foreign warships shall enjoy the right of passage through the territorial sea subject to advance notification being given through diplomatic channels; cf., however, subsection (4) below. For the vessels referred to in section 1, subsection (2), notification of passage shall not, however, be required.

(2) Where navigation within the territorial sea takes place in connexion with passage of the Great Belt, Samsøe Belt or the Sound, notification shall not be required, of, however, subsection (4) below.

(3) Foreign warships shall not be allowed during passage to stop or anchor in the territorial sea except where advance permission to do so has been obtained through diplomatic channels or where stopping or anchoring are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

(4) For simultaneous passage of the territorial sea of more than three warships of the same nationality advance permission, obtained through diplomatic channels, is required. Passage of the Great Belt, Samsøe Belt or the Sound shall be allowed, however, subject to advance notification through diplomatic channels. Permission or notification, as the case may be, shall not be required for the vessels referred to in section 1, subsection (2).

4. (1) Warships may pass through or stay in internal waters where advance permission for such passage or stay has been obtained through diplomatic channels.

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

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

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

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

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

*Part 3. Military aircraft*

7. (1) For flights over or landing in Danish territory of military aircraft advance permission, obtained through diplomatic channels, is required. This provision shall not apply to aircraft in distress and aircraft which, with the approval of Danish authorities, are conducting flights for humanitarian purposes.

(2) Permission to overfly or land in Danish territory will be granted only if an ordinary ICAO (International Civil Aviation Organization) flight schedule is submitted prior to the flight to the competent Danish air traffic service organ and if the flight is otherwise carried out in accordance with the guidelines set out by ICAO and the provisions relative to these guidelines laid down by Danish aeronautical authorities.

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

(2) Military aircraft may carry permanent installation of weapons without ammunition and cameras without films or plates. Electronic equipment other than such as is required for navigation of the aircraft may not be used by military aircraft over Danish territory.

*Part 4. Repeal*

9. Royal Ordinance No. 356 of July 25, 1951,<sup>1</sup> governing the Admittance of Foreign Men-of-War and Service Aircraft to Danish Territory in Time of Peace is hereby repealed.

#### 4. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Section 6 (3)]<sup>2</sup>

#### 5. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Section 4 (2)]<sup>3</sup>

#### 6. MALDIVES

[LAW NO. 32/76 OF 5 DECEMBER 1976 RELATING TO THE NAVIGATION AND PASSAGE BY FOREIGN SHIPS AND AIRCRAFTS THROUGH THE AIRSPACE, TERRITORIAL WATERS AND THE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES, Sections 1 and 6]<sup>4</sup>

<sup>1</sup> Reproduced in ST/LEG/SER.B/6, p. 369.

<sup>2</sup> *Supra*, division I, subdivision A, chap. I, 16.

<sup>3</sup> *Ibid.*, 19.

<sup>4</sup> *Supra*, division I, subdivision A, chap. II, 13.

## 7. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976,  
Section 3 (2) and (4)]<sup>1</sup>

## 8. REPUBLIC OF KOREA

- (a) TERRITORIAL SEA LAW, 1977, Articles 5 and 8]<sup>2</sup>  
 (b) [ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978,  
Article 4]<sup>3</sup>

## 9. SEYCHELLES

[MARITIME ZONES ACT, 1977, Section 4 (2)-(4)]<sup>4</sup>

## 10. SPAIN

- (a) ORDER OF 27 MARCH 1958 ON VISITS BY FOREIGN WARSHIPS TO  
SPANISH PORTS AND TRANSIT THROUGH WATERS UNDER SPANISH  
JURISDICTION<sup>5</sup>

Pursuant to the provisions of article 11 of the Royal Decree of 4 January 1928, and as authorized by the Ministry of Foreign Affairs, the rules which shall govern visits by foreign warships to Spanish ports and their transit through waters under Spanish jurisdiction in time of peace are set out hereunder; they shall enter into force on the date of their publication in the *Diario Oficial del Ministerio de Marina*.

Any provisions which are contrary to those laid down in the said rules are hereby repealed.

### *Rules*

These rules are intended to serve as a guide to the embassies of countries whose vessels need or desire to visit Spanish ports in time of peace. They specify the various conditions governing such visits, give the necessary information and any details which may be useful and thereby facilitate the work of the embassies and of the Spanish Ministries of Foreign Affairs and the Navy.

These rules do not stipulate any conditions not already in general use in the naval protocol of virtually every country; they merely collate long-

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 24.

<sup>2</sup> *Ibid.*, 26 (c).

<sup>3</sup> *Ibid.*, 26 (b).

<sup>4</sup> *Supra*, division I, subdivision A, chap. I, 28.

<sup>5</sup> Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977, Translation by the Secretariat of the United Nations.

established guidelines of our maritime legislation, which has always followed international practice, and bring the existing provisions up to date.

1. *Definition of warships.* For the purposes of transit through Spanish waters and visits to Spanish ports, the following shall be considered to be foreign warships:

(a) Combat and auxiliary ships belonging to the navies of the respective countries, in the service of an officially recognized Government and under the command of an officer of the navy or an officer of the naval reserve on active duty.

(b) Privately owned ships chartered by Governments to transport troops or military supplies, under the command of an officer of the navy or an officer of the naval reserve on active duty.

(c) Ships of any kind carrying a head of State and his suite, to the exclusion of all other passengers.

(d) Exceptionally, and on express instructions, merchant marine training ships owned by the Government concerned and under the command of an officer of the navy or an officer of the naval reserve on active duty, provided that the said ships do not engage in trade.

2. *Classification of visits.* Visits shall fall into one of two categories: official or courtesy visits and unofficial visits.

(a) Official visits. Visits made by foreign warships to our ports at the invitation of the Spanish Government shall be considered official visits, as shall those declared official at the request of a foreign Government.

For official visits a programme shall be drawn up which, in addition to the protocol visits and salutes provided for by international naval ceremonial, shall specify what other events, acts of hospitality or ceremonies are to be organized in honour of the visitors.

(b) Unofficial visits. These shall be visits made for operational or logistical reasons, such as intermediate stops on a longer voyage, the taking on of supplies, repairs, or visits which are requested for purposes other than the specific purposes listed and are not granted official status by the Government concerned nor made in response to an invitation from the Spanish Government.

The salutes and protocol visits for which provision is made in international naval ceremonial shall take place on the occasion of such visits. No programme of events shall be drawn up, but this shall in no way prevent the local population or authorities from extending hospitality to the visitors on a private or friendly basis.

(c) Ships in distress. The entry into a Spanish port of any foreign warship in distress because of damage, bad weather or other similar unforeseen circumstances shall not be considered a visit.

In such cases, the warship shall be provided with whatever assistance it may require, as local facilities permit, and the provisions of naval

ceremonial concerning the exchange of visits and salutes shall be observed at all times.

However, should a foreign warship which enters a port in distress be carrying a head of State or other person of high rank on board, the Spanish Government, having received urgent notification of the fact through the diplomatic channel, shall consider the entry of the ship an official visit and shall determine what events and honours may be possible in the light of the fact that the visit was unforeseen.

3. *Notification of visits.* Requests for visits by foreign warships shall be submitted through the embassy of the country concerned to the Spanish Ministry of Foreign Affairs, which shall inform the Ministry of the Navy accordingly. Prior notice of at least 30 days shall be given for official visits and 15 days for unofficial visits.

Notification of visits shall include the following details:

- (a) Category of visit (official or unofficial).
- (b) Ports to be visited, with details of the duration of stay in each, the date and, if possible, the expected time of arrival. Such notification shall take account of the provisions of section 6, item (8), of these rules.
- (c) Names and types of the visiting vessels, with specification of their principal characteristics and whether or not they are equipped to fire a cannon salute.
- (d) Names and ranks of their officers, the ensigns they are flying and a numbered list of their crews.
- (e) Whether or not there is any intention to disembark unarmed patrols to police the conduct of crews while on shore.
- (f) The authorization of a visit implies permission for the disembarkation of crew members on shore leave, provided that they are in uniform, except in the case of officers, who may wear either uniform or civilian dress; however, should such personnel wish to travel for the purposes of tourism or recreation to any locality other than the one at which their ships are berthed, that fact shall be mentioned in the notification, in order that the appropriate Spanish governmental authorities may be informed accordingly.
- (g) The notification shall also indicate whether it is desired to disembark any motor vehicle, describing the characteristics of any such vehicle, which must on no condition be armed.

4. *Exemptions and privileges.* The following exemptions shall apply to foreign warships on official or unofficial visits or entering Spanish ports in distress provided that exemptions of a similar nature are granted on a reciprocal basis to Spanish warships in the ports of the visiting ship's country:

- (a) Port dues. Total exemption from all charges for the right to stay in port. For special services (cranes, sheds, refuse collection, etc.) the applicable tariffs or contract terms shall be those stipulated for foreign warships by the port authority.

(b) Pilotage, tug and anchorage services. When such services (for ships) are provided by pilots, craft and equipment from an arsenal or naval base, there shall be no charge. In other cases, the applicable tariffs shall be those stipulated in the current Pilots' Regulations, on the understanding that the use of the pilot shall be optional.

However, in the Bilbao estuary, the river Guadalquivir and other navigable rivers in which the use of the pilot is compulsory for merchant ships, it shall likewise be compulsory for warships, and in all cases it shall be compulsory to berth in the place where the pilotage service is established.

(c) Water supply. In the case of installations which form part of an arsenal or naval base, the water supply shall be free of charge. In commercial ports the tariffs applicable shall be those stipulated by the port authority.

5. *Cannon salutes.* Warships equipped to fire this type of salute shall do so on arrival in Spanish ports which have a salute battery, prior to making their entry into the port and between 0800 hours and sunset, as provided for in naval ceremonial, the reply being fired by the batteries at the fortress. The warship shall subsequently fire salutes in honor of any more senior naval ensigns that may be in port.

Cannon salutes to individuals shall be fired after the vessel has berthed or has entered the port, where this is not forbidden by local port regulations.

6. *Restrictions with which visiting vessels must comply.*

(a) It shall be the responsibility of the senior naval authority in each port to assign berths to foreign warships or to transfer such ships from one berth to another when necessary.

For that purpose, upon the entry of a foreign warship into a Spanish port, it shall immediately be boarded by a naval officer sent by the above-mentioned authority, who shall present his compliments to the commanding officer and indicate to him the berth assigned to his ship. Where no prior notification has been given because the ship has entered the port in distress, the said officer shall obtain information concerning the duration of the ship's stay, the name of the commanding officer and other related data.

Should the above-mentioned officer arrive on board after the foreign warship has already berthed, he shall confine himself to saluting, collecting the required data in the case of an entry in distress and confirming the location of the berth or assigning another one if necessary.

(b) Foreign warships which enter a Spanish port shall be required to comply with the legal provisions in force with regard to taxation and health and the port regulations applicable to Spanish warships, precise details of which shall be supplied to the commanding officer by the naval authority.

(c) A special permit, to be granted by the Ministry of the Navy, shall be required for the entry of foreign warships into State arsenals.



A similar permit shall be required before individual crew members of the said vessels may visit the industrial zones of such establishments.

Foreign warships in Spanish ports shall also refrain from;

- (1) Making drawings or plans of the port or of any land area;
- (2) Submerging in the case of submarines;
- (3) Carrying out the death penalty;
- (4) Disembarking armed naval personnel or troops, or any type of military equipment, unless a special permit has been obtained in each case;
- (5) Taking soundings or engaging in any other kind of submarine work, whether or not it requires the use of divers;
- (6) Small craft operating in the port shall not carry any arms;
- (7) Ships which carry aircraft or helicopters shall neither fly them nor off-load them. However, should it prove necessary to transfer some of them to land for overhaul, repairs, tests or the like, the competent authorities shall be informed in order that the required permit may be issued if appropriate.

7. *Use of radio in port.* A special permit from the Ministry of the Navy shall be required for the use of radio communications in Spanish ports by visiting foreign warships. The Ministry shall grant such a permit provided that there is no interference with Spanish stations and that similar facilities are granted on a reciprocal basis by the visiting ship's country to Spanish warships when they visit that country. To that end, the notification of visits shall state whether it is desired to use radio communications and shall indicate the frequencies to be used.

8. *Transit through and stays in waters under Spanish jurisdiction.* In accordance with the customary norms of international maritime law, no special permit shall be required for transit through waters under Spanish jurisdiction. Warships sailing in such waters must display their national flag in a clearly visible manner, and submarines must remain on the surface while in transit.

No aircraft or helicopters shall be flown from ships in such waters without a special permit requested at least 15 days prior to any transit, preparation of charts, plans and the like, or transfers or supply operations of any kind.

An appropriate permit from the Spanish Government shall be required for berthing in waters under its jurisdiction and for carrying out any exercise or any other operation apart from simple transit; the permit must be requested through the diplomatic channel at least 15 days in advance.

9. *Application of these rules.* These rules refer solely to visits by foreign warships under normal circumstances and in time of peace, and their application shall be without prejudice to any existing or future provisions contained in international conventions or to any provisions made

in the light of special circumstances which may make it advisable to suspend these rules temporarily or partially.

ANNEX

*Spanish ports with facilities for cannon salutes*<sup>1</sup>

- (b) [ORDER OF 24 FEBRUARY 1977 CONCERNING CLEARANCE FOR DEPARTURE AND PASSAGE OF SHIPS CARRYING OIL IN BULK AS CARGO, Section 2]<sup>2</sup>

11. SRI LANKA

[MARITIME ZONES LAW No. 22 OF 1976, Section 3]<sup>3</sup>

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<sup>1</sup> Not reproduced.

<sup>2</sup> *Supra*, chap. II, 18.

<sup>3</sup> *Supra*, chap. I, 31 (a).

## Chapter VII

### POLLUTION OF THE TERRITORIAL SEA

#### 1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 22]<sup>1</sup>

#### 2. DENMARK

[ACT ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA, 1975]<sup>2</sup>

#### 3. GERMANY, FEDERAL REPUBLIC OF

- (a) ACT OF 13 SEPTEMBER 1976 PERTAINING TO CHARGES LEVIED FOR DISCHARGING WASTE WATER INTO WATERS (WASTE WATER CHARGES ACT)<sup>3</sup>

##### GENERAL REGULATIONS

##### *Article 1. Principle*

A charge shall be paid for discharging waste water into waters within the meaning of Article 1, para. 1 of the Federal Water Act passed on 27 July 1957 (Federal Law Gazette I p. 1110)<sup>4</sup> last amended by the Fourth Amendment to the Federal Water Act, passed on 26 April 1976 (Federal Law Gazette I p. 1109), such charge to be referred to as the Waste Water Charge. The charge shall be levied by the federal states (Länder).

##### *Article 2. Definitions*

(1) Within the meaning of this Act, waste water shall be deemed to be water changed in its properties by domestic, commercial, agricultural or other use and the water running off in conjunction therewith in dry

<sup>1</sup> *Supra*, chap. I, 10.

<sup>2</sup> *Infra*, division IV, 2 (a).

<sup>3</sup> *Bundesgesetzblatt* 1976, part I, p. 2721. In force as of 1 January 1978 pursuant to art. 18. English text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale dated 2 August 1977.

<sup>4</sup> Reproduced partially in ST/LEG/SER.B/18, p. 59, as amended up to 1970.

weather (polluted water), as well as water running off from built-up or paved surfaces following precipitation (hereinafter referred to as rain water).

(2) Within the meaning of this Act discharging shall be deemed to be the immediate and direct conveyance of waste water into a water body; conveyance into the subsoil shall be regarded as discharging into a water, with the exception of conveyance into the ground within the framework of agricultural soil treatment.

(3) Within the meaning of this Act a waste water treatment plant shall be deemed to be a facility used to reduce or eliminate the noxiousness of waste water. Facilities serving to prevent the generation of waste water either in full or in part shall also be regarded as waste water treatment plant.

### *Article 3. System of Assessment*

(1) The amount of the waste water charge shall depend upon the noxiousness of the waste water, which shall be determined on the basis of the volume of waste water, the settleable solids contained therein, the oxidizable substances and the toxicity of the waste water, expressed in units of noxiousness in accordance with the Annex to this Act.

...

(3) The Länder shall be free to determine that the noxiousness of waste water shall be left out of account to the extent that it is eliminated in secondary settling ponds directly connected with a waste water treatment plant.

(4) The Länder shall be free to have the noxiousness of settleable solids determined by the weight of such solids on request of the parties liable to pay the waste water charge, provided the number of cubic metres of such solids generated annually is more than five times larger than the number of tons of dry substance generated annually.

(5) The Federal Government shall be authorized to adapt to the respective state of science and technology, by statutory ordinance with the consent of the Bundesrat, the regulations pertaining to procedures for the determination of noxiousness, as set forth in Part B of the Annex, in order to refine such procedures or to reduce the personal or material effort and expenditure required for the determination of noxiousness, provided that this does not cause any substantial change in the assessment of noxiousness.

## SECTION TWO. DETERMINATION OF NOXIOUSNESS

### *Article 4. Determination on the Basis of an Official Notice*

(1) With the exception of rain water (Art. 7)<sup>1</sup> and small waste water discharges (Art. 8),<sup>1</sup> the values to be applied for determining the number of units of noxiousness shall be taken from the official notice licensing the waste water discharge. Such official notice shall at least provide data on the maximum amount of polluted water permitted annually, the

<sup>1</sup> Not reproduced.

settleable solids, the oxidizable substances and the degree of toxicity as set forth in Article 3, para. 1, such data to be distinguished according to the mean values to be maintained (standard values) and the values which may not be exceeded under any circumstances whatsoever (maximum values). The standard values or, respectively, at least 50 per cent of the maximum values, shall be applied as a basis for determining the number of units of noxiousness (reference values). Should there be no reason to expect the presence of settleable solids, oxidizable substances or a degree of toxicity as defined under Article 3, para. 1, in the waste water, or should the amount of mercury to be expected in the waste water be less than one kilogram and the amount of cadmium less than 10 kilograms annually, the requirement to fix definite values in the official notice may be waived. Should such official notice nevertheless specify mercury or cadmium values, such values shall be left out of account in determining the degree of noxiousness.

...

*Article 5. Determination on the Basis of Measurements*

(1) Should a party liable to pay waste water charges show by submitting values obtained on the basis of a measuring programme approved by the responsible authority, that the weighted mean of measuring results obtained in the preceding period of assessment deviates from the standard value specified under Article 4, para. 1 by more than 25 per cent, such weighted mean of the measuring values, but at least 50 per cent of the highest value measured, shall be applied in determining the number of units of noxiousness. The measuring programme must comprise at least one daily sample taken at different times of the day in addition to the continual volume measurement.

...

SECTION THREE. LIABILITY TO PAY CHARGES

*Article 9. Liability to Pay Charges Rates*

(1) Whoever shall discharge waste water (discharger) shall be liable to pay waste water charges.

(2) The Länder may determine that public corporations shall be liable to pay waste water charges in lieu of dischargers. Public corporations to be designated by the Länder shall be liable to pay waste water charges in lieu of dischargers who discharge, on an annual average, less than eight cubic metres of sewage per day from domestic households or similar sources. The Länder shall determine how waste water charges levied in this way may be passed on to the originators.

...

(4) Liability to pay waste water charges shall not become effective prior to 31 December 1980. The annual rate levied per unit of noxiousness shall be

DM 12.—	as of 1 January 1981
DM 18.—	as of 1 January 1982

DM 24.—	as of 1 January 1983
DM 30.—	as of 1 January 1984
DM 36.—	as of 1 January 1985
DM 40.—	as of 1 January 1986

...

(6) In order to avert any significantly detrimental economic developments, the Federal Government shall be authorized to exempt, by statutory ordinance with the consent of the Bundesrat, the parties liable to pay waste water charges or regional or sectoral groups of such parties carrying out, or causing to be carried out, measures for reducing the noxiousness of waste water, from such liability, the exemption not to remain in force, either in full or in part, until later than 31 December 1989.

*Article 10.—Exemption from Liability to Pay Charges*

(1) The following exemptions from liability to pay waste water charges shall be granted:

1. for the discharge of water already polluted when extracted from a water resource prior to use and not showing any further noxiousness within the meaning of this after use,
2. for the discharge of polluted water into a surface water created during the extraction of mineral raw materials, provided that such water is only used for washing the product obtained at such location and does not contain any noxious substances other than those extracted, and as far as it is guaranteed that noxious substances will not reach other waters,
3. for the discharge of sewage from watercraft where it is generated,
4. for the discharge of rain water if a public sewerage system is not used for this purpose.

...

SECTION FOUR. ESTABLISHMENT, LEVY AND USE OF WASTE WATER CHARGES

*Article 11. Period of Assessment, Obligation of Disclosure*

(1) The calendar year shall be deemed to be the period of assessment.

...

(3) The Länder may determine that the liable party shall calculate the number of units of noxiousness of the waste water also in other cases, that such party shall provide the data required for an estimate, and submit the associated documents to the responsible authority.

Para. 2, sentence 2 shall apply accordingly.

*Article 12. Infringement of the Obligation of Disclosure*

(1) Should the liable party fail to comply with its obligations as set forth under Article 11, para. 2, sentence 1 and the supplementary regulations issued by the Länder, the responsible authority shall be free to estimate the number of units of noxiousness.

...

*Article 13. Use of Charges Levied*

(1) The revenue accruing from waste water charges shall only be used for specific purposes connected with measures for maintaining or improving water quality. The Länder may determine that the administrative expenditure associated with the enforcement of this Act and of their own supplementary regulations shall be paid for out of the revenue accruing from waste water charges.

(2) Particularly, the following shall be deemed to be measures as provided in para. 1 above:

1. The construction of waste water treatment plant.
2. The construction of rain retention basins and facilities for the purification of rain water.
3. The construction of ring-shaped and holding canals at and along dams, lake and sea shores and of main connecting sewers permitting the erection of jointly operated sewage treatment facilities.
4. The construction of plant for the disposal of sewage sludge.
5. Measures taken in and at water bodies for observing and improving water quality (such as raising the level of low-water flow or providing for oxygen enrichment) and for maintaining such water bodies.
6. Research on and development of suitable plant or techniques for improving water quality.
7. Basic and further training of operating staff for water treatment plant and other facilities designed to maintain and improve water quality.

SECTION FIVE. COMMON AND FINAL REGULATIONS

*Article 14. Application of Regulations on Fines and Penalties under the Fiscal Code*

The penal clauses set forth in Article 370, paras. 1, 2 and 4 and in Article 371 of the Fiscal Code (Abgabenordnung—AO 1977) shall apply accordingly to any act of evasion involving waste water charges; the penalty provision set forth in Article 378 of the Fiscal Code (AO 1977) shall apply accordingly to any unlawful reduction of the waste water charges payable.

*Article 15. Breaches of Regulations*

(1) Whoever intentionally or negligently

1. contrary to Article 5, para. 1, sentence 1, submits measuring values not conforming to the measuring programme,
2. contrary to Article 11, para. 2, sentence 1, fails to submit the calculations or documents or does not submit them in an accurate or complete condition,
3. contrary to Article 11, para. 2, sentence 2, fails to provide or does not provide the liable party with the requisite data or documents in an

accurate or complete condition, shall be deemed to commit a breach of regulations.

(2) A penalty not exceeding five thousand Deutschmarks may be imposed for any such breach of regulations.

...

*Article 17. Berlin Clause*

Under the terms of Article 13, para. 1 of the Third Transitional Act (Drittes Überleitungsgesetz) passed on January 4, 1952 (Federal Law Gazette 1 p. 1), the present Act shall also be applicable in the Land of Berlin. Statutory ordinances issued by virtue of the present Act shall apply in the Land of Berlin in accordance with Article 14 of the Third Transitional Act.

...

ANNEX TO ARTICLE 3

A

(1) In determining the noxiousness of waste water, 0.1 millilitres per litre of waste water shall be deducted in advance from the settleable solids, and 15 milligrams per litre of waste water from the oxidizable substances. Should the figures obtained in this way be below zero, they shall remain unconsidered. The number of units of noxiousness may be inferred from the following table:

<i>Pollutants and groups of pollutants assessed</i>	<i>Number of units of noxiousness for each full measuring unit</i>	
	<i>Unit of noxiousness</i>	<i>Measuring unit(s)</i>
1. Settleable solids containing at least 10 per cent organic matter	1	Annual volume in cubic metres or, respectively, in tons should Article 3, para. 4 be applicable
2. Settleable solids containing less than 10 per cent organic matter	0.1	Annual volume in cubic metres or, respectively, in tons should Article 3, para. 4 be applicable
3. Oxidizable substances expressed as Chemical Oxygen Demand (COD)	2.2	Annual volume of 100 kilograms
4. Mercury and its compounds ..	5	Annual volume of 100 grams of mercury
5. Cadmium and its compounds ..	1	Annual volume of 100 grams of cadmium
6. Toxicity for fish .....	0.3 GF†	Annual waste water volume of 1,000 cubic metres

† GF represents the dilution factor at which waste water loses its toxic effect on fish. When GF=2, the figure applied shall be 0.

(2) Should waste water be discharged into coastal waters, the toxic effect of such waste water on fish shall remain unconsidered to the extent that it is



due to the content of such salts as are similar to the principal components of sea water. The same shall apply to the discharge of waste water into the estuaries of surface waters leading into the sea, provided such estuaries have a natural salt content similar to that of coastal waters.

#### B

(1) The volume of settleable solids shall be determined after a two-hour settling period.

(2) The chemical oxygen demand shall be determined in accordance with the dichromate procedure, silver sulphate being applied as a catalyst.

(3) Mercury and cadmium shall be determined by way of atomic absorption spectrometry.

(4) The toxic effect in fish tests is determined by using the species orfe (*Leuciscus idus melanotus*) as a test fish and applying various degrees of waste water dilution.

(b) [ACT CONCERNING THE PEACEFUL USE OF NUCLEAR ENERGY AND PROTECTION AGAINST ITS DANGERS (ATOMIC ACT), AS AMENDED ON 31 OCTOBER 1976]<sup>1</sup>

#### 4. ICELAND

[LAW NO. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF, Article 8]<sup>2</sup>

#### 5. MALTA

[MARINE POLLUTION (PREVENTION AND CONTROL) ACT, 1977, Section 4]<sup>3</sup>

#### 6. NEW ZEALAND

[MARINE POLLUTION ACT, 1974, Section 3]<sup>4</sup>

#### 7. REPUBLIC OF KOREA

(a) [TERRITORIAL SEA LAW, 1977, Article 5 (9)]<sup>5</sup>

(b) [ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978, Article 6]<sup>6</sup>

<sup>1</sup> *Infra*, division IV, 3 (a).

<sup>2</sup> *Supra*, division I, subdivision A, chap. I, 18.

<sup>3</sup> *Infra*, division IV, 5.

<sup>4</sup> *Ibid.*, 6 (a).

<sup>5</sup> *Ibid.*, 26 (a).

<sup>6</sup> *Ibid.*, 26 (b).

## 8. SPAIN

- (a) ACT No. 21/1977 OF 1 APRIL 1977 CONCERNING THE IMPOSITION OF PENALTIES IN CASES OF MARINE POLLUTION BY DUMPING FROM SHIPS OR AIRCRAFT<sup>1</sup>

*Article 1.* For the purposes of this Act:

1. "Marine pollution" means the introduction by man, directly or indirectly, into the marine environment, including estuaries, of substances, materials or forms of energy that are liable to create hazards to human health, to harm touristic, scenic or living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

2. "Dumping" means any deliberate disposal of substances, materials or any form of energy into the sea by or from ships or aircraft other than:

(a) Any discharge incidental to or derived from the normal operation of ships or aircraft and their equipment;

(b) The placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Act.

3. "Ships and aircraft" means waterborne or airborne craft of any type whatsoever. For the purposes of this Act, this expression includes air-cushion craft, floating craft, whether self-propelled or not, and fixed or floating platforms or other structures at sea, from which dumping can be carried out.

4. "Person responsible" means the owner of the ship or aircraft or his legal representatives.

*Article 2.* The dumping at sea of the substances listed in annex I to this Act is prohibited.

The person responsible for such dumping shall be liable to a fine of not less than 1 million pesetas and not more than 10 million pesetas.

*Article 3.* The dumping at sea of the substances listed in annex II to this Act is prohibited, unless a prior permit is obtained in each case from the competent authorities.

Where such dumping is carried out without approval or otherwise than in the approved manner, the person responsible shall be liable to a fine of not less than 50,000 pesetas and not more than 1 million pesetas.

*Article 4.* The dumping at sea of other substances not listed in annexes I and II to this Act shall require the approval of the competent authorities.

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<sup>1</sup> This Act was enacted in order to implement certain provisions of the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, Oslo, 15 February 1972 (ST/LEG/SER.B/16, p. 457) and Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, London, 29 December 1972 (ST/LEG/SER.B/16, p. 464). Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

Where such dumping is carried out without approval or otherwise than in the approved manner, the person responsible shall be liable to a fine of not more than 50,000 pesetas.

*Article 5.* The Government may issue a special permit as an exception to article 2, in emergencies posing unacceptable risk relating to human health and admitting no other feasible solution.

*Article 6.* The penalties provided by this Act shall not apply to dumping in cases of *force majeure*, when the safety of human life or of a ship or aircraft is threatened.

In such cases, the person in charge of the ship or aircraft shall report the dumping immediately to the maritime authority which is nearest or with which it is easiest to communicate, together with full details of the circumstances and of the nature and quantities of the substances dumped.

The maritime authority shall in turn notify the Merchant Marine Department of the Ministry of Commerce, which shall inform the Inter-ministerial Commission on the Environment.

Any person in charge of a ship or aircraft who fails to report as specified above shall be liable to a fine of not more than 50,000 pesetas.

*Article 7.* The rules laid down in this Act shall apply:

- (a) To all Spanish ships and aircraft;
- (b) To foreign ships and aircraft in any maritime zone which is subject to Spanish sovereignty and jurisdiction.

*Article 8.* Nothing in this Act shall effect the immunity to which certain ships and aircraft are entitled under international law.

*Article 9.* Without prejudice to the provisions of this Act, the Administration shall, in accordance with international law, adopt any other measures that may be required to prevent dumping at sea.

#### ANNEX I

The following substances are listed for the purposes of this Act:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
3. Substances which, within the framework of the Oslo and London Conventions, are defined as carcinogenic under the conditions of disposal.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with

fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

7. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.

8. High-level radio-active wastes or other high-level radio-active matter, defined on public health biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

This prohibition shall not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- (a) Make edible marine organisms unpalatable, or
- (b) Endanger human health or that of domestic animals.

10. This annex shall not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-7 of this annex as trace contaminants. Such wastes shall be subject to the provisions of annex II to this Act.

#### ANNEX II

1. The following substances are listed for the purposes of this Act:

(a) Wastes containing significant amounts of the matters listed below:

Arsenic, Lead, Copper, Zinc, Cyanides, Fluorides, Pesticides and their by-products not covered in annex I.

All compounds of the substances listed above.

(b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation.

(c) Radio-active wastes or other radio-active matter not included in annex I. In the issue of permits for the dumping of this matter, due account shall be taken of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

(d) Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

2. In addition, the following rules shall be taken into account for the purposes of article 3 of this Act:

(a) The substances and materials listed under paragraph 1 (b) above shall always be deposited in deep waters.

(b) In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph 1 and of the following additional substances:

Beryllium, Chromium, Nickel, Vanadium.

All compounds of the substances listed above.

3. When, in the application of the provisions of annex II to this Act, it is considered necessary to deposit waste in deep water, this shall be done only when the following two conditions are both fulfilled:

- (a) That the depth is not less than 2,000 metres;
- (b) That the distance from the nearest land is not less than 200 nautical miles.

(b) ORDER OF 26 MAY 1976 CONCERNING THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT<sup>1</sup>

*Article 1.* For the purposes of this Order:

1. "Marine pollution" means the introduction by man, directly or indirectly, into the marine environment (including estuaries) of substances or forms of energy that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

2. "Dumping" means any deliberate disposal of substances or materials into the sea by or from ships or aircraft other than:

(a) Any discharge incidental to or derived from the normal operation of ships or aircraft and their equipment;

(b) The placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Order.

3. "Ships and aircraft" means sea-going vessels or airborne craft of any type whatsoever. This expression includes air-cushion craft, floating craft, whether self-propelled or not, and fixed on floating platforms or other structures at sea.

*Article 2.* The dumping at sea of the substances listed in annex I to this Order is prohibited.

*Article 3.* The dumping at sea of the substances listed in annex II to this Order is prohibited, unless a prior permit is obtained in each case from the competent authorities.

*Article 4.* The dumping at sea of other substances not listed in annexes I and II to this Order shall require the approval of the competent authorities.

*Article 5.* 1. Without prejudice to the provisions of paragraph 2 of this article, the Ministry of Commerce (Merchant Marine Department) shall be competent to grant permits or approval as provided for in articles 3 and 4 of this Order on the basis of reports, where appropriate, from Ministries liable to be affected as a result of the dumping.

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<sup>1</sup> This Order was issued with the aim to implement certain provisions of the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, Oslo, 15 February 1972 (ST/LEG/SER.B/16, p. 457) and the Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, London, 29 December 1972 (ST/LEG/SER.B/16, p. 464). Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

2. In the cases referred to in the preceding paragraph, the Ministry of Marine shall be competent to grant permits or approval for dumping from military ships or aircraft.

3. The Ministry of Public Works shall be competent to grant approval as provided for in article 4 of this Order in respect of dredged spoils, within its field of competence, on the basis of a favourable report from the Ministry of Commerce (Merchant Marine Department) and, where appropriate, on the basis of reports from Ministries liable to be affected as a result of the dumping. The Ministry of Public Works shall report any such approval, and the quantities dumped, to the Ministry of Commerce (Merchant Marine Department).

4. Any permit or approval shall be granted only after careful consideration of the factors set forth in annex III to this Order, for which purpose a prior report shall be required from the Spanish Oceanographic Institute.

The granting of a permit for the dumping of radio-active wastes or substances shall require a report from the Ministry of the Interior and a favourable report from the Ministry of Industry on the basis of an opinion by the Nuclear Energy Council.

In the case of dumping of substances or materials arising from industrial activities, a favourable report shall be required from the competent Ministries.

*Article 6.* The rules laid down in articles 2, 3 and 4 of this Order shall apply:

- (a) To all Spanish ships and aircraft;
- (b) To foreign ships and aircraft in any maritime zone which is subject to Spanish sovereignty or jurisdiction.

*Article 7.* Nothing in this Order shall affect the immunity to which certain ships and aircraft are entitled under international law.

#### ANNEX I

The following substances are listed for the purposes of article 2 of the Order:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
3. Substances which, within the framework of the Oslo and London Conventions, are defined as carcinogenic under the conditions of disposal.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with

fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

7. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.

8. High-level radio-active wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

This prohibition shall not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- (a) Make edible marine organisms unpalatable, or
- (b) Endanger human health or that of domestic animals.

10. This annex shall not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-7 of this annex as trace contaminants. Such wastes shall be subject to the provisions of annexes II and III as appropriate.

#### ANNEX II

1. The following substances are listed for the purposes of article 3 of the Order:

(a) Wastes containing significant amounts of the matters listed below:

<p>Arsenic Lead Copper Zinc Cyanides Fluorides Pesticides and their by-products* not covered in annex I.</p>	}	and their compounds
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(b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation.

(c) Radio-active wastes or other radio-active matter not included in annex I. In the issue of permits for the dumping of this matter, due account shall be taken of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

(d) Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

2. In addition, the following rules shall be taken into account for the purposes of article 3 of the Order:

(a) The substances and materials listed under paragraph 1 (b) above shall always be deposited in deep water.

(b) In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph 1 and of the following additional substances:

Beryllium	}	and their compounds
Chromium		
Nickel		
Vanadium		

3. When, in the application of the provisions of annexes II and III to the Order, it is considered necessary to deposit waste in deep water, this shall be done only when the following two conditions are both fulfilled:

- (a) That the depth is not less than 2,000 metres;
- (b) That the distance from the nearest land is not less than 150 nautical miles.

### ANNEX III

Factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account article 5, paragraph 3, of the Order, include:

#### A. *Characteristics and composition of the matter*

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form, e.g. solid, sludge, liquid, or gaseous.
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

#### B. *Characteristics of dumping site and method of deposit*

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD),



biochemical oxygen demand (BOD)—nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).

7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).

8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).

9. In the issue of a permit for dumping, consideration shall be given to whether an adequate scientific basis exists for assessing the consequences of such dumping as outlined in this annex, taking into account seasonal variations.

*C. General considerations and conditions*

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

(c) [DECREE No. 2862/76 OF 30 JULY 1976 CONTAINING THE REGULATION GIVING EFFECT TO ACT No. 21/74 OF 27 JUNE 1974, Articles 28 (1.12), (1.17); 35 (1.1), (1.9), (1.10), (1.11), (1.14), (1.17), (1.21), (1.43); 39 (1); 66 (2.3)]<sup>1</sup>

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<sup>1</sup> *Infra*, chap. IX, 2 (c).

**Chapter VIII**  
**BROADCASTS FROM SHIPS IN THE TERRITORIAL SEA<sup>1</sup>**

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<sup>1</sup> No text concerning broadcasts from ships in the territorial sea was received during the period covered by this volume.

## Chapter IX

### EXPLOITATION OF MINERAL RESOURCES AND THE LAYING OF CABLES AND PIPELINES UNDER THE TERRITORIAL SEA

#### 1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 6 (7)]<sup>1</sup>

#### 2. SPAIN

(a) MINING ACT 22/1973 OF 21 JULY 1973<sup>2</sup>

##### TITLE I. SCOPE OF APPLICATION OF THE ACT AND CLASSIFICATION OF RESOURCES

*Article 1.* 1. The purpose of this Act is to establish the legal régime for the investigation and exploitation of mineral deposits and other geological resources irrespective of their origin or physical state.

2. Liquid and gaseous hydrocarbons shall be excluded from the scope of the Act and shall be regulated by the provisions applicable to them.

3. The investigation and exploitation of radio-active minerals shall be governed by this Act in so far as they are not specifically governed by the Nuclear Energy Regulation Act of 29 April 1964 and supplementary provisions.

*Article 2.* 1. All deposits of natural origin and other geological resources existing in the national territory, the territorial sea and the continental shelf are public property, and their investigation and exploitation may be carried out directly by the State or ceded by it in the manner and under the conditions established in this Act and the other provisions applicable in each case.

2. Dominion over waters shall be governed by the provisions of the Civil Code and special Acts, without prejudice to any provisions of this Act in respect of their investigation and exploitation.

...

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<sup>1</sup> *Supra*, chap. I, 10.

<sup>2</sup> Text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

*Chapter II. Zones reserved to the State*

*Article 7.* The State may reserve to itself zones of any size in the national territory, the territorial sea or the continental shelf in which the exploitation of one or more mineral deposits or other geological resources may be of particular importance for economic and social development or for national defence.

...

*Article 11.* 1. Exploration, investigation and exploitation operations may be carried out in the reserved zones in accordance with the degree of existing knowledge of such zones.

2. The exploration phase shall be authorized by order of the Ministry of Industry, on the basis of a report from the Ministry of Finance, and shall be carried out directly by the State or through its autonomous organs, or by contract with national or private enterprises.

3. When investigation work is made possible or advisable by the existing knowledge of the zone, such work shall be authorized by the Government, after consultation with the Trade-Union Organization, where such work is carried out:

- (a) Directly by the State or through its autonomous organs;
- (b) Through public competition between Spanish and foreign enterprises;
- (c) By a consortium between the State and the entities referred to above.

4. For each of the modalities indicated above, the right of exploitation of the reserved resources shall be granted simultaneously with the right of investigation.

...

*Article 13.* 1. In addition to the mines it is currently exploiting, the Government may, on the proposal of the Ministry of Finance and the Ministry of Industry, authorize by decree the direct exploitation of mineral deposits and other geological resources it discovers as a result of its investigations in reserved zones.

2. When authorized by the Government, the régime of direct exploitation by the State shall be regulated by decree on the proposal of the Ministry of Industry, on the basis of a report from the Ministry of Finance and after consultation with the Trade-Union Organization.

3. When the Government decides not to take upon itself the exploitation of resources which have been investigated directly by the State and consents by decree to cede the right of exploitation, the concession shall be decided by public competition between Spanish and foreign enterprises.

*Article 14.* 1. The reservation of zones to the State may at any time be completely or partially annulled, or its conditions amended, by the authority which established it, subject to the consent of the concession holders, if any.

2. The relevant provisions shall be published in the *Boletín Oficial del Estado*, such publication serving as the starting date for the calculation of time periods, and in the *Boletín Oficial* of the province or provinces concerned.

(b) ACT NO. 21/74 OF 27 JUNE 1974 CONCERNING THE LEGAL RÉGIME GOVERNING THE EXPLORATION, INVESTIGATION AND EXPLOITATION OF HYDROCARBONS<sup>1</sup>

*Chapter I. General provisions*

*Article 1.* 1. The purpose of this Act is to establish the legal régime governing the exploration, investigation and exploitation of deposits of liquid and gaseous hydrocarbons and activities relating to the transport, storage, purification and refining of the hydrocarbons obtained, provided that such activities are carried out by the investigators or exploiters themselves by means of installations connected to the production installations.

2. Deposits situated in the national territory and in the subsoil of the territorial sea and of the ocean floor subject to national sovereignty—pursuant to Spanish law and existing international conventions that Spain has ratified—for purposes of investigation, exploration and exploitation shall be the inalienable and imprescriptible heritage of the nation. The said deposits shall belong to the public domain; their investigation, exploration and exploitation may be undertaken directly by the State or ceded by it in the manner and on the terms established by law.

*Article 2.* For the purposes of this Act, the following three zones shall be considered:

Zone A: Peninsular Spain and its islands and Spanish territories in North Africa;

Zone B: Territory of the Sahara;

Zone C: The subsoil of the territorial sea and other parts of the sea-bed; this zone is subdivided into the following subzones:

(a) The Mediterranean coast;

(b) The Atlantic coast, excluding subzones (c) and (d);

(c) The Canary Islands;

(d) The Sahara.

*Article 3.* 1. Persons holding the authorizations, permits and concessions referred to in this Act shall, for the purposes of engaging in the activities regulated by this Act, enjoy the benefit of forced expropriation or temporary occupation of such property and rights as may be required for the location of the work, installations and services necessary for the performance of the activity, and of the right of way, where necessary, for access roads, transport routes, energy distribution lines and pipelines for liquids and gases.

<sup>1</sup>Text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

2. To that end, the investigation, exploitation, transport, storage, purification and refining of natural hydrocarbons, as well as the necessary installations and services, are declared to be matters of public utility.

3. The granting of exploration authorizations, investigation permits, exploitation concessions and authorizations for transport, storage, purification and refining activities shall imply a declaration of public utility. Similarly, approval of the projects and plans referred to in articles 23 and 30, paragraph 3, of this Act shall imply a declaration of the need to occupy the land, provided that the conditions laid down in article 17, item 2, of the Act on Forced Expropriation are complied with.

4. In the event of any extension, the right to temporary occupation of the land needed for the work and services shall be extended automatically, without prejudice to any additional compensation that might be due because of the longer occupation.

5. Permission to occupy the land shall be granted by the appropriate Provincial Delegation of the Ministry of Industry.

*Article 4.* 1. The State may itself carry out the activities referred to in article 1; those activities shall, in every case, be carried out subject to the provisions of this Act, by the organ and in the manner and according to the conditions decided upon by the Government in a decree on the proposal of the Ministry of Industry.

...

3. Public or private bodies corporate carrying on any of the activities referred to in this Act shall do so, upon receipt of authorizations, permits or concessions, in the manner and according to the conditions established in this Act and in the Regulations relating to it.

*Article 5.* 1. The holder of an exploration permit may explore the area covered by that permit according to the conditions established in this Act.

2. The granting of an exploitation concession shall entitle the holder to carry on exploitation activities in the area covered by the concession and to continue investigation activities in that area, as well as to obtain authorizations for the transport, storage, purification and refining of the products obtained; such authorizations shall be granted, and the relevant operations carried out, in the manner and according to the conditions laid down in this Act.

3. Investigation permits and exploitation concessions shall be granted individually or jointly, only to public bodies corporate or to limited-liability companies which, in addition to meeting the conditions laid down in article 6, demonstrate to the satisfaction of the Administration that they are able, technically and financially, to carry out the investigation activities and, if necessary, to exploit the areas applied for.

...

## *Chapter II. Exploration and investigation*

*Article 12.* 1. Land-surface exploration of a purely geological nature

may be undertaken freely throughout the national territory without administrative authorization.

2. Upon receipt of an application with background statement indicating the technical criteria that will guide the exploration activities, the Ministry of Industry may authorize exploration activities of a geophysical or other nature in free areas, provided that such activities do not involve deep drilling according to the definition of that term given in the Regulations and provided that such authorization does not seem contrary to the public interest.

*Article 13.* 1. The granting of such authorizations shall not relieve the holder of the obligation to secure such permits or concessions from other Departments or public entities as may be required because of the site where the exploration is to be undertaken.

2. Exploration authorizations shall be handled in the order in which the applications are submitted.

3. In no case shall such explorations be authorized on an exclusive basis, nor shall they create any rights.

...

*Article 14.*

...

3. Investigation permits for zone C shall confer an exclusive right to investigate specified areas for a period of eight years divided as follows: and initial period of two years, at the end of which the original area shall be reduced by 30 per cent, followed by a period of six years. The latter period may be extended, at the request of the person involved, for three years, in which case the area shall again be reduced by 20 per cent of the original area covered by the permit.

...

5. Extensions shall be requested from the Ministry of Industry and shall be granted only if the holder of the permit has complied with the provisions of this Act and of the Regulations relating to its implementation. The Regulations shall determine the minimum investment per hectare that must be made by those to whom permits are granted until such time as the permit expires or is renounced and shall establish gradual increases for each year that the original permit or extension of the permit is held.

*Article 17.* 1. The granting of an investigation permit shall entitle the holder to obtain exploitation concessions covering the area applied for, subject to the following restrictions:

In zones A and C the number of concessions associated with any permit, shall not exceed the number obtained by adding one unit to the integral part of the quotient obtained by dividing the number of hectares covered by the permit by 10,000.

...

2. In no case shall the total surface area of the exploitation concessions associated with a permit exceed 50 per cent of the original surface area covered by the permit, except as provided in article 34.

3. An application for an exploitation concession may be submitted by the holder of an investigation permit at any time prior to the expiration of the permit; the application must be accompanied by proof of the existence of hydrocarbons in exploitable quantities.

*Article 18.* Once the existence of hydrocarbons in conditions conducive to exploitation within the area covered by an investigation permit has been proved, the Government may, for reasons of national interest and on the proposal of the Ministry of Industry, declare by decree that the deposit must be exploited as a matter of urgency. Such a declaration shall oblige the holder of the permit to apply for an exploitation concession for the zone within a time-limit to be specified, which shall in no case be less than six months. If he fails to do so, the permit shall expire in so far as that part of the area delimited by the Administration is concerned, and the Administration shall compensate him for the expenses incurred in investigating that area.

*Article 19.* 1. No body corporate shall directly or indirectly be granted investigation permits in the same zone or subzone, as defined in article 2 of this Act, if it already holds:

50 permits in zone A;

16 permits in zone B;

30 permits or permits covering an area of 3 million hectares in any one of the subzones into which zone C is divided; the total area covered by permits granted to a company in zone C may not exceed 6 million hectares.

2. The limits set forth in paragraph 1 above may be exceeded in exceptional cases of national interest by authorization from the Council of Ministers after it has received a report from the Council of State.

3. The above limits shall not apply to bodies corporate in which the Spanish State is the sole or majority shareholder; on the other hand, they shall apply to each of the other partners according to the rules set forth in the following paragraphs.

...

*Article 28.* 1. The holder of an investigation permit shall be required in every case to draw up a minimum programme of work, surveys and investments which shall be specified in the Decree granting the permit, in accordance with the general rules established in the Regulations, within the time-limits stated in that Decree.

2. In exceptional cases, the Ministry of Industry may amend the time-limits in zone C should it appear desirable to do so by reason of well-founded expectations of immediate technological development.

...

### *Chapter III. Exploitation*

*Article 29.* Exploitation concessions shall entitle the holders to the exclusive exploitation of hydrocarbon deposits in the areas covered by the



concessions for a period of 30 years, which may be extended for two successive 10-year periods.

*Article 30.* 1. The holder of an investigation permit shall apply for an exploitation concession from the General Directorate of Energy of the Ministry of Industry one or more times; the following documents shall be attached to the application in addition to other documents specified in the Regulations:

(a) A memorandum stating the location and extent of the concession requested, giving proof of the existence of hydrocarbons and estimating the recoverable reserves;

(b) A general map showing the area covered by the investigation permit or permits;

(c) A map of the area or areas for which the right of exploitation is being applied for;

(d) A general plan of exploitation; and

(e) The investment programme, together with an economic study of how the investment is to be financed and guarantees of its viability.

2. The Administration shall decide whether to grant the exploitation concession within three months after the submission of the application; the decision shall be published in a Decree and shall become effective on the day following its publication.

...

*Article 71.* 1. Owing to the special characteristics of zone C, activities in that zone shall be regulated by this Act, by the existing legislation concerning coasts and by the agreements contained in Spain's instruments of accession to international Conventions on the territorial sea and the continental shelf.

(c) DECREE NO. 2862/76 OF 30 JULY 1976 CONTAINING THE REGULATION GIVING EFFECT TO ACT NO. 21/74 OF 27 JUNE 1974<sup>1</sup>

#### *Chapter 1. General provisions*

*Article 1.* 1.1. The purpose of the present Regulation is the implementation of Act 21/1974 of 27 June establishing the legal régime governing exploration and prospecting for an exploitation of deposits of liquid and gaseous hydrocarbons and the activities of transport, storage, purification and refining of the hydrocarbons obtained, when carried out by prospectors or operators themselves in installations connected with those used for production.

1.2. For the purposes of the Act and of the present Regulation, liquid and gaseous hydrocarbons shall mean any natural concentration or mixture of hydrocarbons in those physical states, including substances of any other kind found with them in combination, suspension, mixture or solution.

<sup>1</sup> Spanish text provided by the Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations. Act No. 21/74 of 27 June 1974 is reproduced in part under (b) *supra*.

1.3. Deposits of natural solid hydrocarbons, such as asphaltic rocks, natural waxes, sands, schists or bituminous shales and any other kind of rocks which are similar to them shall continue to be subject to mining legislation.

...

*Article 2.* 1.1. The geographic area of application of the Act and of this Regulation is divided into the following zones:

Zone A. Peninsular and insular territory and Spanish territories in North Africa;

Zone C. Subsoil of the territorial sea and other parts of the sea-bed, which is subdivided into the following subzones:

- (a) Mediterranean coasts;
- (b) Atlantic coasts, except subzone C;
- (c) Canary Islands.

1.2. By way of exception, islands whose land area is not large enough to enable them to be the subject of a land permit may be included, for the purposes of this Regulation, under the appropriate maritime permits for Zone C or may be included in whole or in part under permits for underwater areas adjacent to their coasts.

...

*Article 28.*

...

1.12. The holder of a prospecting permit shall be free to organize and develop his prospecting plans with no restrictions other than the obligation to abide by the plan proposed for each year, to conform to the appropriate rules of safety of persons and property, to observe measures to prevent pollution of the environment and to conform to any directives which the General Directorate of Energy may give him. He shall likewise give preference to the use of Spanish equipment, materials, services and contractors.

...

1.17. In the drilling of a test borehole all safety regulations shall be observed and all measures which are necessary to prevent discharges or spills of brine, hydrocarbons or other substances capable of polluting the environment shall be taken. In particular the requirements set forth in article 35, paragraphs 1.9 to 1.17, and article 81 shall be observed.

...

### *Chapter III. Exploitation*

...

*Article 35.* 1.1. In carrying out their activities concessionaires shall comply with the following conditions and technical requirements:

...

1.9. Concessionaires shall take every precaution to prevent damage or risks which as a consequence of their operations might affect the safety of human life, property, natural reserves, coasts, places of touristic interest and public installations.

1.10. The machinery, equipment and materials used in the operations shall be such as to meet the conditions of safety and efficiency recognized by the petroleum industry and those set forth in the Regulation concerning the Mining and Metallurgy Police and any other such conditions which may be applicable.

1.11. During drilling operations the concessionaire shall:

(a) Install in the well the equipment and material necessary to prevent blow-outs;

(b) Protect all strata containing potable water by means of casing pipes and cement;

(c) Protect strata containing petroleum or gas by means of casing pipes and cement. However, in the case of production derived from dense and fractured rock the respective portion of the well may be left without the protective casing pipe;

(d) Undertake to collect appropriate geological samples from the well being drilled;

(e) Make all the appropriate identifications, by such means as electrical, radio-active and sonic recorders, and any other form of diagraph which may be needed for proper knowledge of the formations encountered.

...

1.14. When a new well is abandoned, either for technical reasons or because petroleum has not been found in quantities sufficient to make exploitation profitable, the concessionaire shall take the necessary precautions to ensure that it is not abandoned until after it has been plugged, in accordance with the principles accepted in the industry.

...

1.17. In all wells which are in production or are being used for injection or observation, the concessionaire shall install the appropriate equipment on the surface and at the bottom of the well to enable him to carry out the following operations:

(a) Duly control production and the injection of liquids;

(b) Measure pressure at the bottom of the well;

(c) Prevent unplanned mixing of liquids from other deposits;

(d) Maintain the safety of the deposit, of persons and of property and prevent pollution of the environment. In the case of underwater wells the safety equipment at the bottom of the well shall be such as to ensure the plugging of the borehole in the event of damage to the surface equipment.

...

1.21. In the event of a blow-out the concessionaire shall immediately notify the appropriate unit of the General Directorate of Energy and at the same time the appropriate provincial delegation of the Ministry of Industry. As soon as possible he shall submit to the Ministry, through that unit, a written report indicating the causes of the blow-out and the measures taken to control it, also giving an estimate of the petroleum and gas which have been lost or destroyed or have been allowed to escape. The concessionaire shall submit a final report of the accident as soon as possible after the well has been brought under control.

...

1.43. The concessionaire shall take the necessary precautions to prevent the spilling of petroleum on the surface. The petroleum produced in production tests made during the drilling and fitting out of the well which cannot be recovered, and any other petroleum residue, shall be burned in the appropriate burners or in holes dug for the purpose, or eliminated by any other procedure. The concessionaire shall take the necessary measures to prevent pollution of the water, land and air, in accordance with the provisions of article 81.

...

*Chapter IV. Transport, storage, purifying and refining*

...

*Article 39.* 1. When a concessionaire wishes to transport, store, purify or refine hydrocarbons extracted or processed, he shall submit his application in triplicate in accordance with the relevant provisions of this Regulation. The application shall be accompanied by an additional copy for each of the provinces affected by the installations in question.

2. The said installations, their operation and the relevant safety provisions shall be governed by specific regulations, by the legislation on annoying, unhealthful, harmful and dangerous activities and by the legislation governing protection and conservation of the environment.

...

*Article 66.*

2.3. In cases of emergency involving danger to persons or to public or private property or serious pollution of the environment the provincial delegations of the Ministry of Industry may order the temporary suspension of the activities giving rise to such risk.

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## **Subdivision B. The contiguous zone**

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### **1. BANGLADESH**

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974, Section 4]<sup>1</sup>

### **2. BURMA**

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977,  
Sections 10 and 11]<sup>2</sup>

### **3. DEMOCRATIC KAMPUCHEA**

[DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES  
DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978, Sections 2 et 4-6]<sup>3</sup>

### **4. DEMOCRATIC YEMEN**

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE  
ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS,  
Articles 11-12 and 17-18]<sup>4</sup>

### **5. DOMINICAN REPUBLIC**

[ACT No. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS  
ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF, AS  
AMENDED IN 1977, Article 3]<sup>5</sup>

### **6. INDIA**

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE  
AND OTHER MARITIME ZONES ACT, 1976, Sections 5 and 9-16]<sup>6</sup>

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<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 2.

<sup>2</sup> *Ibid.*, 4.

<sup>3</sup> *Ibid.*, 9.

<sup>4</sup> *Ibid.*, 10.

<sup>5</sup> *Ibid.*, 11.

<sup>6</sup> *Ibid.*, 19.

## 7. IRAN

[DÉCRET-LOI, 1973]<sup>1</sup>

## 8. MALTA

- (a) [TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT ACT, 1975, Sections 1 and 2)]<sup>2</sup>
- (b) [TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT ACT, 1978, Sections 1-3)]<sup>3</sup>

## 9. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 4 and 8-14]<sup>4</sup>

## 10. SRI LANKA

- (a) [MARITIME ZONES LAW No. 22 OF 1976, Section 4]<sup>5</sup>
- (b) [PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977 IN PURSUANCE OF MARITIME ZONES LAW No. 22 OF 1976, Section 3]<sup>6</sup>

## 11. UNITED REPUBLIC OF CAMEROON

[LOI n° 74/16 DU 5 DÉCEMBRE 1974 FIXANT LA LIMITE DES EAUX TERRITORIALES DE LA RÉPUBLIQUE-UNIE DU CAMEROUN, Article 5]<sup>7</sup>

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<sup>1</sup> *Ibid.*, 20.

<sup>2</sup> *Supra*, division I, subdivision A, chap. I, 22 (a).

<sup>3</sup> *Ibid.*, 22 (b).

<sup>4</sup> *Ibid.*, 24.

<sup>5</sup> *Ibid.*, 31 (a).

<sup>6</sup> *Ibid.*, 31 (b).

<sup>7</sup> *Ibid.*, 34 (a).

## Division II

### ECONOMIC OR FISHING ZONES<sup>1</sup>

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#### 1. BAHAMAS

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT, 1977<sup>2</sup>

2. (1) In this Act, unless the context otherwise requires—

“Bahamian” in relation to a fishing vessel means—

(a) *bone fide* owned by a citizen of The Bahamas resident in The Bahamas; or

(b) a company registered in The Bahamas under the Companies Act in which all the shares are beneficially owned by citizens of The Bahamas resident in The Bahamas;

“beneficially owned” shall be construed as in section 173 of the Companies Act;

“commercial” in relation to fishing means the fishing for any fishery resource for the purpose of subsequent sale whether the person fishing for the same does so on a full-time basis or part-time basis;

“conservation and management” refers to all of the rules, conditions, methods, and other measures which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring or maintaining any fishery resource and the marine environment, and which are designed to ensure that—

(a) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

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<sup>1</sup> A number of national legislations relating to extended economic or fishing zones deal with the conservation and management of the living resources of the sea, which is a matter also pertaining to division V. The instruments containing provisions specifically applicable to such zones, whether or not the zone in question is called as such, are reproduced in the present division, while those relating to fishing activities without reference to such zones or activities conducted in the territorial sea or in fishing zones of relatively narrow breadth are included in division V. In either case, cross references have been supplied as appropriate. In addition it should be noted that a number of provisions relating to extended economic or fishing zones are also found in laws and decrees which have been reproduced in division I, subdivision A, chapter I. Cross references are also made to such instruments.

<sup>2</sup> No. 13 of 1977. Effective on 16 June 1977. This Act, by its section 24, repeals the Fisheries Act, 1969, reproduced in ST/LEG/SER.B/16, p. 367. Text provided by the Permanent Representative of the Bahamas to the United Nations in a note verbale of 9 November 1977.

(b) irreversible or long term adverse effects on fishery resources and the marine environment are avoided; and

(c) there will be a multiplicity of options available with respect to the use of such resources;

“continental shelf” means the continental shelf appertaining to The Bahamas, that is to say, the seabed and subsoil of the submarine areas adjacent to the coasts, but outside the territorial sea of The Bahamas, to a depth of two hundred metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas;

“court” means magistrate’s court;

“exclusive fishery zone” means the exclusive fishery zone of The Bahamas established by section 4, the limits of which are set out in section 5;

“fishery” means—

(a) one or more stocks of fish which can be treated as a unit for the purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and

(b) any fishing for such stocks;

“fishery resource” means fish of any kind found in the sea (other than species of tuna, which in the course of their life cycle, spawn and migrate over great distances in waters of the ocean) and includes living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the continental shelf;

“fishing” means the catching, taking or harvesting of any fishery resource or any other activity which can be reasonably expected to result in the catching, taking or harvesting of such fishery resource;

“fishing vessel” or “vessel” means any vessel or boat, of whatever size for the time being employed by any person in fishing operations or any operations ancillary thereto;

“foreign fishing” means fishing by a vessel other than a vessel owned by a Bahamian;

“miles” means international nautical miles of 1,852 meters;

“optimum yield” means the amount of fishery resources—

(a) which will provide the greatest overall benefit to The Bahamas with particular reference to food production and recreational opportunities; and

(b) which is prescribed as such on the basis of the maximum sustainable yield from such fishery as modified by any relevant economic, social or ecological factor.



(2) The Minister may, by notice published in the *Gazette*, declare any species of living organism to be a fishery resource for the purposes of this Act.

3. Every officer of the revenue, every peace officer and every officer of the Department of Agriculture and Fisheries appointed for the purpose by the Minister by instrument in writing shall be a fisheries inspector for the purpose of this Act and shall have and may exercise the functions assigned to a fisheries inspector by or under this Act.

4. There is established for the purposes of this Act a zone to be known as the exclusive fishery zone of The Bahamas.

5. The outer boundary of the exclusive fishery zone is a line drawn in such a manner that each point on it is two hundred miles from the baseline from which the territorial sea is measured:

Provided that where the distance between the baseline and the territorial sea or the exclusive fishery zone of a neighbouring state is less than two hundred miles the provisions of section 11 shall apply to the determination of the outer boundary of the exclusive fishery zone.

6. (1) Within the exclusive fishery zone, The Bahamas has sovereign rights and exclusive authority for the purpose of exploring and exploiting, conserving and managing the fishery resources of the seabed and subsoil and superjacent waters.

(2) The superjacent waters of the exclusive fishery zone outside the territorial sea of The Bahamas and beyond any foreign state's territorial sea, to the extent that such sea is recognised by The Bahamas, remain subject to the régime of the high seas for all purposes other than for the purposes of exploration and exploitation, conservation and management of the fishery resources or other than purposes with respect to which coastal states are accorded by international law exclusive jurisdiction.

7. No foreign fishing is authorized within the exclusive fishery zone for any fishery resource in respect of which The Bahamas exercises the sovereignty and authority specified in section 6 unless such foreign fishing—

(a) is authorized by virtue of a treaty to which The Bahamas is a party and such treaty is made subject to sections 8 and 10 and is conducted under and in accordance with a valid licence granted by the Minister under section 9;

(b) is authorized by the Minister and is conducted by a vessel owned or operated by an international organization of which The Bahamas is a member;

(c) is authorized by the Minister and is conducted for scientific or research purposes under the authority of and in accordance with the terms and conditions of a permit in that behalf granted by the Minister to the person operating the vessel;

(d) is conducted for sporting purposes in accordance with any regulations made under this Act, by a vessel which has first made entry in respect of the voyage on which it is engaged at a port of entry in The

Bahamas or by a vessel which has been imported into The Bahamas or constructed in The Bahamas.

8. Foreign fishing may be conducted pursuant to a fishery treaty if such treaty satisfies the requirements of this Act and includes as conditions of the treaty—

(a) that the foreign state acknowledges the exclusive fishery conservation and management authority of The Bahamas as set forth in this Act;

(b) the foreign state and the owner or operator of any fishing vessel fishing pursuant to such treaty will abide by the terms of the treaty, the provisions of this Act and any regulations made thereunder;

(c) the foreign state and the owner or operator of any fishing vessel fishing pursuant to such treaty will permit fisheries inspectors to enforce the provisions of this Act and any regulations made thereunder by allowing such inspectors to board and search or inspect any fishing vessel of the foreign state when it is within the exclusive fishery zone and to make arrests and seizures whenever such officers have reasonable cause to believe as a result of such search or inspection that any such vessel or any person thereon has committed a breach of this Act or any regulations made thereunder.

9. (1) Every foreign state with which The Bahamas has entered into a fishery treaty shall submit an application for a licence to the Minister before the 1st day of January of each year in respect of every fishing vessel wishing to fish in the exclusive fishery zone.

(2) Every application for a licence under this section shall be in such form as the Minister may prescribe and shall specify—

(a) the name and official registration number or other identification of each vessel for which a licence is sought;

(b) the name, address and nationality of the owner of each vessel;

(c) the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information with respect to the fishing characteristics of each vessel as the Minister may require;

(d) the description of each fishery resource for which each vessel wishes to fish;

(e) the quantities of fish or tonnage of catch contemplated for each vessel during the time such licence is in force;

(f) the area of the exclusive fishery zone in which, and the season or period during which, such fishing will be conducted.

(3) Subject to subsections (4) and (5), where the Minister decides to grant a licence he shall grant the licence to the owner or operator in respect of a named vessel in accordance with—

(a) the provisions of this Act and the regulations made thereunder;

(b) the terms and conditions of the relevant fishery treaty; and

(c) the principles and conditions set forth in section 10.

(4) A licence may contain such conditions and restrictions as appear to the Minister granting the licence to be necessary or expedient for regulating the conservation and management of the fishery resources of The Bahamas and in particular a licence shall contain conditions and restrictions—

(a) as to the requirements of any applicable fishery management plan and any regulations made to implement any such plan;

(b) as to the requirement that no licence may be used by any vessel other than the vessel in respect of which it is granted;

(c) as to any requirement provided for in the relevant fishery treaty;

(d) as to the requirements that the vessel shall fish only in the area of the exclusive fishery zone for which the licence is granted and at the seasons and periods indicated; and that the vessel shall not engage while in the exclusive fishery zone in any of the acts of cutting up, canning or packaging of any fishery resource except in the said area.

(5) A licence may not be granted to any vessel the owner or operator of which is not a national of the foreign state which is a party to the fishery treaty.

(6) A licence shall be prominently displayed at all times in the wheel-house of the vessel while the vessel is in the exclusive fishery zone and the number of the licence shall be painted on the vessel in such manner as the Minister may prescribe.

(7) A licence may be revoked or suspended in any case where the Minister is satisfied that there is a breach of the terms and conditions of a fishery treaty or the conditions and restrictions of the licence.

10. (1) The Governor-General may from time to time determine the optimum yield of the fishery resources of the exclusive fishery zone; in making that determination the Governor-General shall take into account the need to ensure, through proper conservation and management measures, the maintenance of these resources or the restoration of populations of harvested species at levels which can produce the maximum sustainable yield. In particular, he shall take into account relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of the development of The Bahamas, fishing patterns, the inter-dependence of stocks and any generally recommended subregional, regional or global minimum standards, and the effects on species associated with or dependent upon harvested species.

(2) The Governor-General may from time to time determine the capacity of the fishing industry of The Bahamas to harvest the fishery resources of the exclusive fishery zone.

(3) The difference between the optimum yield and the maximum capacity of the fishing industry of The Bahamas as may be determined by the Governor-General in accordance with subsections (1) and (2) may be the allowable level of foreign fishing.

(4) An allocation to a foreign state of part of the total allowable level of foreign fishing as determined by the Governor-General may only be made in accordance with the condition that the foreign state concerned enters into a fishery treaty with The Bahamas in which there is specified—

(a) the proportion of the total allowable level of foreign fishing to be allocated to that foreign state, taking into account the extent to which fishermen of that foreign state have traditionally engaged in fishing activity in the fishery concerned;

(b) the number, identification and characteristics of the fishing vessels of that foreign state which are to be granted licences to fish in the exclusive fishery zone;

(c) that the fishing vessels of that foreign state will comply with the regulations made under this Act for the conservation and management of the fishery resources of The Bahamas;

(d) that access to the market of that foreign state shall be granted for the fishery resources and fishery products harvested by the fishermen of The Bahamas in the exclusive fishery zone;

(e) that that foreign state will extend substantially the same fishing privileges to fishing vessels owned by Bahamians as The Bahamas extends to the fishing vessels owned by citizens of that foreign state.

(5) For the purposes of subsections (1), (2) and (3), “the exclusive fishery zone” means that part of the waters thereof the inner boundary of which is a line drawn in such a manner that each point on it is twelve miles from the baseline from which the territorial sea is measured.

11. (1) Subject to subsection (3), where the exclusive fishery zone of The Bahamas meets the limits of the territorial sea, continental shelf or exclusive fishery zone of a neighbouring state, to the extent only to which such limits are recognized by The Bahamas to be validly established pursuant to international law, the Governor-General may initiate and conduct negotiations with that state to establish the boundary of the exclusive fishery zone in relation to the territorial sea, continental shelf or exclusive fishery zone of that state.

(2) In the absence of agreement on the boundary of the exclusive fishery zone with the territorial sea, continental shelf or exclusive fishery zone of a neighbouring state, the following shall be the limits of the exclusive fishery zone—

(a) in the case of the fishery resources of the waters of the exclusive fishery zone, a line every point of which is twelve miles distant from the baseline from which the territorial sea of that state is drawn;

(b) in the case of the fishery resources of the sea-bed and subsoil—

(i) where there is a continuous continental shelf between The Bahamas and the neighbouring state, a line every point of which is equidistant from the edge of the Great and Little Bahama Banks and the baselines from which the territorial sea limits of that state are drawn, and, in areas other than the Great and Little

Bahama Banks, a line every point of which is equidistant from the baselines respectively from which the territorial sea limits of The Bahamas and that state are drawn;

- (ii) where there is not a continuous continental shelf between The Bahamas and the neighbouring state, the limits of the continental shelf of that state shall be as determined by international law;

Provided, however, that in contemplation of such agreement being reached the Governor-General may by order fix another limit temporarily or by interim agreement with the neighbouring state.

(3) The Governor-General in the exercise of his powers under this section shall take into account that The Bahamas has long exercised sovereignty over, and enjoys exclusive authority for the purposes of exploring and exploiting, conserving and managing of, the Great and Little Bahama Banks.

12. (1) The Minister may by order declare any area of the waters within the exclusive fishery zone whether alone or together with any area of land adjacent to such waters to be a protected area for the purposes of this Act.

(2) Any order made under this section may prohibit fishing for any fishery resource whatever or for any fishery resource specified in the order, by any person otherwise than under the authority of and in accordance with the terms and conditions of a permit in that behalf granted to that person for that purpose.

(3) Any person who takes any fishery resource in a protected area in contravention of the provisions of any order made under this section in respect of such area or of any term or condition attached to a permit granted under such an order shall be guilty of an offence and liable upon summary conviction, subject to the provisions of section 21, to a fine of seven hundred and fifty dollars or to imprisonment for a term of six months or to both.

(4) Where any person is found within a protected area in possession of any fishery resource the fishing for which within that area is prohibited by an order made under this section he shall be deemed, until the contrary is proved, to have taken that fishery resource within that area.

13. (1) A fisheries inspector may at any time stop, go on board and search any fishing vessel within the exclusive fishery zone, and if he has reason to suspect that any person on board such vessel has contravened any of the provisions of this Act or of any regulations made thereunder he may without summons, warrant or other process seize the vessel and detain it and any person found on board.

(2) A fisheries inspector may at any time without summons, warrant or other process seize and detain any vessel or thing which is liable to forfeiture under this Act or which he has reasonable grounds to believe is so liable.

(3) A fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person whom such

inspector has reason to suspect has committed or permitted any offence against this Act.

(4) Any person who resists or obstructs any fisheries inspector in the exercise of any of his powers conferred by this section shall be guilty of an offence and liable upon summary conviction to a fine of five hundred dollars, and such person may be detained by the fisheries inspector.

(5) Where any vessel or thing is seized or detained or any person is detained under this section by a fisheries inspector, the inspector shall take such vessel, thing or person as soon as may be to the nearest or most convenient place in The Bahamas and there deliver it or him into the custody of the most senior police officer.

14. Where on delivering any person into the custody of a police officer in accordance with the provisions of section 13—

(a) the fisheries inspector makes a complaint to such officer that such person has committed an offence against this Act, the police officer shall as soon as may be cause such person to be brought before a magistrate's court to be dealt with according to law; or

(b) the fisheries inspector does not make any such complaint, the police officer shall forthwith release such person.

15. (1) Where any fishing vessel or thing is delivered into the custody of a police officer at any place by a fisheries inspector in accordance with the provisions of section 13, such vessel or thing shall be detained in the custody of the Commissioner of Police to the order of the Minister at that place or at such other place as the Minister may direct until the same shall be forfeited or released in accordance with the provisions of this section as the case may be.

(2) Any vessel or thing detained under the provisions of subsection (1) shall be released upon demand to the owner or his duly accredited agent—

(a) within the period of seven days next following the date of delivery of the vessel or thing to the police officer, if no proceedings are instituted within the period against the master or other person in charge of the vessel or thing in respect of an offence against this Act; or

(b) in any case where such proceedings are instituted as aforesaid and the vessel or thing is not liable or ordered to be forfeited under the provisions of this Act, upon the final determination of the proceedings and the payment of any fine imposed by the court in such proceedings within the time prescribed by the court for such payment.

...

16. (1) The provisions of the First Schedule<sup>1</sup> shall have effect for the purpose of forfeitures, and proceedings for the condemnation of any vessel or thing as being forfeited, under this Act.

(2) Subject to the provisions of the said Schedule, any vessel or thing seized or detained under the provisions of this Act as being liable to

<sup>1</sup>The Schedules are not reproduced.

forfeiture shall, if condemned or deemed to have been condemned as forfeited, be disposed of in such manner as the Minister may direct.

17. (1) Where any offence against any of the provisions of this Act or of any regulations made thereunder is committed at some place on the water within the exclusive fishery zone but outside the limits of any district within which any magistrate has jurisdiction under the Magistrates Act (or any other statute for the time being in force regulating the jurisdiction of magistrates), the place of the commission of the offence shall for the purposes of the jurisdiction of any court be deemed to be the place in The Bahamas where the offender is found or to which he is first brought after the commission of the offence.

(2) The jurisdiction under subsection (1) shall be in addition to and not in derogation of any jurisdiction or power of any court under any other enactment.

18. (1) The Minister may make regulations for any or all of the following purposes—

(a) for the conservation and management of the fishery resources of the exclusive fishery zone which are consistent with this Act and with the following standards—

- (i) conservation and management measures shall prevent overfishing while achieving the optimum yield from each fishery;
- (ii) conservation and management measures shall be based upon the best available scientific information;
- (iii) to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close co-ordination;
- (iv) conservation and management measures, where practicable, shall promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose;
- (v) conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources and catches;
- (vi) conservation and management measures shall where practicable minimize costs and unnecessary duplication;

(b) regulating the taking of any species or kind of fishery resource (whether by reference to size or weight or otherwise) absolutely or during such period or periods as may be specified anywhere within the exclusive fishery zone;

(c) limiting the quantity of any fishery resource which may be taken by any person;

(d) prohibiting the taking of any fishery resource by any specified method within the exclusive fishery zone;

(e) prohibiting the use of any engine, dredge, trap or device for the purpose of taking any fishery resource within the exclusive fishery zone;

(f) restricting the possession on board a fishing vessel of any noxious, poisonous or explosive substance or of any engine, dredge, trap or other device prohibited for use in taking of any fishery resource by any regulations made under paragraph (d) of this subsection;

(g) providing for the grant of permits and licences, their terms and conditions and for the transfer, amendment and revocation of such permits and licences;

(h) prescribing the fees to be charged in respect of the grant, transfer or amendment of any permit or licence;

...

(j) prescribing the forms of applications of permits and licences;

(k) prescribing the size and type of construction of any trap, net or seine and prohibiting the use for the purpose of taking any fishery resource of any trap, net or seine other than a trap, net or seine of the prescribed size of mesh;

(l) providing for the grant of permits for the purpose of trapping crawfish, their terms and conditions and for the suspension and cancellation of such permits;

(m) regulating the size of any fishery resource which may be in the possession of any person;

...

(q) regulating sports fishing by vessels by means of licences or otherwise;

(r) prescribing anything to be prescribed under the provisions of this Act.

(2) No regulation shall be made under subsection (1) so as to come into operation before a date to be appointed by the Minister by notice published in the *Gazette* (hereafter in this Act referred to as "the appointed day").

19. (1) Subject to subsection (3), where any fishing vessel engages in foreign fishing in the exclusive fishery zone for any fishery resource, the owner and also the master or other person in charge of the vessel and every person who so uses it shall each be guilty of an offence and liable on summary conviction, subject to the provisions of section 21, to a fine of fifty thousand dollars or to imprisonment for a term of one year or to both.

(2) Where any fishery resource is found on board any fishing vessel within the exclusive fishery zone or where any fishery resource is landed, or placed in any crawl, from any such fishing vessel at any creek, island or cay within The Bahamas, such fishery resource shall be deemed, until the contrary be proved, to have been taken within the exclusive fishery zone by a person on board such fishing vessel.



(3) Notwithstanding subsection (1) any fishing vessel which engages in foreign fishing in the exclusive fishery zone for any fishery resource having been so authorised under section 7 (a), (b) or (c) or for sporting purposes in accordance with the provisions of section 7 (d) shall be deemed not to be in contravention of subsection (1).

(4) Any person who being a non-Bahamian uses a Bahamian fishing vessel to fish for any fishery resource for commercial purposes within the exclusive fishery zone or is found employed on such a vessel in any capacity whatever, shall be guilty of an offence and liable on summary conviction, subject to the provisions of section 21, to a fine of two thousand dollars or to imprisonment for a term of six months or to both, unless such person has first been granted a permit in accordance with the provisions of the Immigration Act, 1967, so to do.

(5) Any person who being the owner, master or other person in charge of a Bahamian fishing vessel permits a non-Bahamian to use such vessel to fish for any fishery resource for commercial purposes within the exclusive fishery zone, or employs a non-Bahamian on such vessel, shall be guilty of an offence and liable on summary conviction, subject to the provisions of section 21, to a fine of two thousand dollars or to imprisonment for a term of six months or to both, unless the person so permitted to use the vessel or so employed has first been granted a permit in accordance with the provisions of the Immigration Act, 1967, so to do.

...

21. If any person, having been convicted of an offence against any provision of this Act or of any regulations made thereunder, is convicted of a further offence against that provision, then, notwithstanding anything to the contrary, he shall be liable upon conviction of such further offence—

(a) to a fine not exceeding double the amount or to imprisonment for a term not exceeding double the term (hereinafter respectively referred to as a "double fine" and "double imprisonment") which might otherwise have been imposed in respect of that offence; or

(b) in a case where both a fine and a term of imprisonment may be imposed in respect of a first offence, to both such double fine and double imprisonment.

...

## 2. BANGLADESH

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974,  
Sections 5 and 6]<sup>1</sup>

## 3. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Sections 17-20]<sup>2</sup>

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 2.

<sup>2</sup> *Ibid.*, 4.

#### 4. CAPE VERDE

[DECREE No. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL SEA,  
Article 3]<sup>1</sup>

#### 5. COLOMBIA

[ACT No. 10 OF 1978, Articles 7-9]<sup>2</sup>

#### 6. COMOROS

[ORDONNANCE N° 76-038/CE DU 15 JUIN 1976 PRÉCISANT LES LIMITES DES  
EAUX TERRITORIALES COMORIENNES ET ÉTABLISSANT UNE ZONE ÉCO-  
NOMIQUE EXCLUSIVE, Articles 2 et 3]<sup>3</sup>

#### 7. CUBA

ACT OF 24 FEBRUARY 1977 CONCERNING THE ESTABLISHMENT OF  
AN ECONOMIC ZONE<sup>4</sup>

*Fidel Castro Ruz*, President of the Council of State of the Republic  
of Cuba

*Proclaims:* That the Council of State has agreed as follows:

*Whereas:* Other States of the geographical area in which the Republic  
of Cuba is situated have proclaimed their economic zone or fishing zone  
taking into account, among other things, the current concepts of the inter-  
national law of the sea, thus affecting areas of the high seas in which Cuba  
has thus far exercised rights and legitimate interests,

*Therefore:* In exercise of the powers conferred upon it by article 88,  
paragraph (c), of the Constitution, the Council of State decides to issue  
the following

*Legislative Decree No. 2*

*Article 1.* The Economic Zone of the Republic of Cuba shall be  
established in the zone adjacent to its territorial sea extending up to a  
distance of 200 nautical miles measured from the baseline from which the  
breadth of the territorial sea is measured. The outer line of this Economic  
Zone shall be traced on the basis of geographical co-ordinates.

The Cuban State shall respect the equal rights of contiguous States to  
their respective economic zones and declares that it is prepared to under-

<sup>1</sup> *Ibid.*, 5.

<sup>2</sup> *Ibid.*, 6.

<sup>3</sup> *Ibid.*, 7.

<sup>4</sup> Decree No. 2, *Gaceta Oficial* of the Republic of Cuba, No. 6, 26 February  
1977, p. 18. Translation by the Secretariat of the United Nations.

take bilateral negotiations on the conflicts of law that may result from the application of those principles.

*Article 2.* The Republic shall exercise the following rights in the Economic Zone established by this Legislative Decree:

I. Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed, including its subsoil, and of the superjacent waters.

II. Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and structures.

III. Exclusive jurisdiction with regard to other activities for the economic exploration and exploitation of the zone, including the use of marine currents and anything else that facilitates scientific and technological developments.

IV. Jurisdiction with regard to:

(a) The preservation of the marine environment, including pollution control and abatement;

(b) Scientific research.

*Article 3.* Foreign States shall enjoy in the Economic Zone the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to navigation and communication.

*Article 4.* In order to promote the optimum utilization of the living resources in the Economic Zone, the Republic of Cuba, through the conclusion of appropriate agreements, shall give other States access to the surplus of the allowable catch of the species concerned, in accordance with the arrangements, conditions and regulations in force.

*Article 5.* Any legal provisions and regulations at variance with the provisions of the present Legislative Decree, which shall come into force as soon as it is published in the *Gaceta Oficial* of the Republic, are hereby abrogated.

## 8. DEMOCRATIC KAMPUCHEA

[DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES  
DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978, Sections 3-6]<sup>1</sup>

## 9. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE  
ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS,  
Articles 13-15, 17-23]<sup>2</sup>

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 9.

<sup>2</sup> *Ibid.*, 10.

## 10. DENMARK

(a) ACT No. 597 OF 17 DECEMBER 1976 ON THE FISHING TERRITORY OF THE KINGDOM OF DENMARK<sup>1</sup>

1. (1) The Prime Minister shall be empowered to enact that the fishing territory of the Kingdom of Denmark be extended to a breadth of 200 nautical miles (1 nautical mile = 1,852 metres) so that the fishing territory, in addition to the internal waters, shall comprise waters along the coasts of the Kingdom of Denmark, delimited by a line (the fishing limit) which at every point is 200 nautical miles from the baselines applicable at any given time. The extension may be effected for one area at a time.

(2) Failing any agreement to the contrary, the delimitation of the fishing territory, relative to foreign States whose coasts are situated at a distance of less than 400 nautical miles opposite the coasts of the Kingdom of Denmark or adjacent to Denmark, shall be a line which at every point is equidistant from the nearest points on the baselines at the coasts of the two States (the median line).

(3) Detailed provisions governing the delimitation of the fishing territory of the Faroe Islands shall be laid down by Royal Ordinance.

...

2. ...

(2) In step with the extension of the fishing territory in pursuance of section 1, subsection (1) of this Act, section 1, subsections (2) and (3) of the Salt Water Fisheries Act (Act No. 195 of 26 May 1965)<sup>2</sup> shall be repealed while in the Commercial Hunting, Fishing and Shooting Activities Act for Greenland (Act No. 413 of 13 June 1973),<sup>3</sup> the words "12 nautical miles" in section 1, subsection (1), shall be amended to read "200 nautical miles".

(3) The Fishing Territory of Denmark Act (Act No. 207 of 12 June 1964) shall be repealed.

(b) DECREE No. 598 OF 21 DECEMBER 1976. THE FISHING TERRITORY OF THE FAROE ISLANDS<sup>4</sup>

Pursuant to section 1, subsection (3), of the Kingdom of Denmark Fishing Territory Act (Act No. 597) of 17 December 1976,<sup>5</sup> the following provisions are laid down:

<sup>1</sup> Entered into force 1 January 1977 pursuant to art. 2 (1). English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/15, p. 623.

<sup>3</sup> Partially reproduced in ST/LEG/SER.B/18, p. 301.

<sup>4</sup> Entered into force on 1 January 1977 pursuant to art. 3 (1). English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

<sup>5</sup> *Supra* (a).

1. (1) The fishing territory in the waters around the Faroe Islands shall comprise, in addition to the internal waters, the waters delimited by a line (the fishing limit) at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from the baselines mentioned in section 2 of this Decree.

(2) Where the coasts of Iceland, Norway and the United Kingdom of Great Britain and Northern Ireland are opposite the coasts of the Faroe Islands within a distance of 400 nautical miles, the fishing territory, until otherwise defined by special agreement, shall be delimited by the line which at every point is equidistant from the nearest points on the baselines at the coasts concerned (the median line).

2. The straight baselines from which, pursuant to section 1 of this Decree, the fishing limit shall be measured, shall be drawn between the following points (low water mark at mean spring tide) in the sequence indicated:

Point 1 . . . . .	Dry rock SW of the Munken group of islands	61° 20' 19"306 N 6° 40' 06"790 W
Point 2 . . . . .	W-most point of Knopur at Famara	61° 28' 34"772 N 6° 52' 18"834 W
Point 3 . . . . .	W-most point of island W of Myggenæs lighthouse	62° 05' 46"439 N 7° 41' 25"623 W
Point 4 . . . . .	NW-most point of island NW of Myggenæs lighthouse	62° 05' 52"783 N 7° 41' 12"936 W
Point 5 . . . . .	NW-most point of island NW of Myling	62° 18' 19"856 N 7° 12' 59"409 W
Point 6 . . . . .	NW-most point of Kalsfles N of Kadlur	62° 22' 26"968 N 6° 48' 18"806 W
Point 7 . . . . .	Dry rock N of Enniberg	62° 23' 49"299 N 6° 33' 38"438 W
Point 8 . . . . .	Skopari point at Nordbjerg on Fuglø	62° 21' 16"163 N 6° 17' 59"058 W
Point 9 . . . . .	NE-most point of Fuglø	62° 20' 40"637 N 6° 15' 16"003 W
Point 10 . . . . .	E-most point of Bispen E of Fuglø	62° 20' 27"398 N 6° 15' 00"521 W
Point 11 . . . . .	E-most point of the Munken group of islands	61° 20' 30"124 N 6° 39' 30"108 W
Point 12 . . . . .	S-most point of Storefles in the Munken group of islands	61° 20' 26"953 N 6° 39' 33"711 W

The co-ordinates of the above-mentioned points refer to European Datum (1st Adjustment 1950).

3. . . .

(2) Decree No. 29 of 27 February 1903,<sup>1</sup> as amended by Decree No. 129 of 18 March 1976, shall cease to be in effect.

<sup>1</sup> Partially reproduced in ST/LEG/SER.B/6, p. 467.

(c) EXECUTIVE ORDER NO. 628 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF DENMARK<sup>1</sup>

Pursuant to section 1 of the Kingdom of Denmark Fishing Territory Act (Act No. 597) of 17 December 1976,<sup>2</sup> the following provisions are laid down:

1. The fishing territory in the North Sea shall comprise, in addition to the internal waters, the waters off the coasts of Denmark which relative to the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, and Norway are delimited by arcs of Great Circles between the following points:

(1) The boundary line relative to the Federal Republic of Germany:

Point 1	..... 55° 03' 51"0 N	07° 18' 22"0 E
Point 2	..... 55° 10' 03"4 N	07° 33' 09"6 E
Point 3	..... 55° 30' 40"3 N	05° 45' 00"0 E
Point 4	..... 55° 15' 00"0 N	05° 24' 12"0 E
Point 5	..... 55° 15' 00"0 N	05° 09' 00"0 E
Point 6	..... 55° 24' 15"0 N	04° 45' 00"0 E
Point 7	..... 55° 46' 21"8 N	04° 15' 00"0 E
Point 8	..... 55° 55' 09"4 N	03° 21' 00"0 E

(2) The boundary line relative to the United Kingdom of Great Britain and Northern Ireland:

Point 8	..... 55° 55' 09"4 N	03° 21' 00"0 E
Point 9	..... 56° 05' 12"0 N	03° 15' 00"0 E

(3) The boundary line relative to Norway:

Point 9	..... 56° 05' 12"0 N	03° 15' 00"0 E
Point 10	..... 56° 35' 30"0 N	05° 02' 00"0 E
Point 11	..... 57° 10' 30"0 N	06° 56' 12"0 E
Point 12	..... 57° 29' 24"4 N	07° 57' 22"2 E

2. The fishing territory in the North Sea shall be delimited relative to the waters around the Skaw (Skagerrak) by an arc of a Great Circle between the following points:

Point 12	..... 57° 29' 24"4 N	07° 57' 22"2 E
Point 13	..... 57° 16' 23"6 N	08° 20' 27"7 E

<sup>1</sup> Entered into force on 1 January 1977 pursuant to art. 3. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

<sup>2</sup> *Supra* (a).

(d) EXECUTIVE ORDER NO. 629 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF GREENLAND<sup>1</sup>

Pursuant to section 1 of the Kingdom of Denmark Fishing Territory Act (Act No. 597) of 17 December 1976,<sup>2</sup> the following provisions are laid down:

1. (1) The fishing territory in the waters around Greenland shall comprise on the west coast up to latitude 75° N and on the east coast up to latitude 67° N, in addition to the internal waters, the waters delimited by a line (the fishing limit) at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from the baselines mentioned in section 2 of this Executive Order.

(2) Up to latitude 75° N, the fishing territory relative to Canada, where the coasts of that country are opposite the coasts of Greenland within a distance of 400 nautical miles, shall be delimited by geodetic lines between the following points:

<i>Point No.</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
1	61° 24' 7	57° 16' 3
2	62° 00' 5	57° 21' 1
3	62° 02' 3	57° 21' 8
4	62° 03' 5	57° 22' 2
5	62° 11' 5	57° 25' 4
6	62° 47' 2	57° 41' 0
7	63° 22' 8	57° 57' 4
8	63° 28' 6	57° 59' 7
9	63° 35' 0	58° 02' 0
10	63° 37' 2	58° 01' 2
11	63° 44' 1	57° 58' 8
12	63° 50' 1	57° 57' 2
13	63° 52' 6	57° 56' 6
14	63° 57' 4	57° 53' 5
15	64° 04' 3	57° 49' 1
16	64° 12' 2	57° 48' 2
17	65° 06' 0	57° 44' 1
18	65° 08' 9	57° 43' 9
19	65° 11' 6	57° 44' 4
20	65° 14' 5	57° 45' 1
21	65° 18' 1	57° 45' 8
22	65° 23' 3	57° 44' 9
23	65° 34' 8	57° 42' 3
24	65° 37' 7	57° 41' 9
25	65° 50' 9	57° 40' 7
26	65° 51' 7	57° 40' 6
27	65° 57' 6	57° 40' 1
28	66° 03' 5	57° 39' 6
29	66° 12' 9	57° 38' 2

<sup>1</sup> Entered into force on 1 January 1977 pursuant to art. 3. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

<sup>2</sup> *Supra* (a).

<i>Point No.</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
30	66° 18' 8	57° 37' 8
31	66° 24' 6	57° 37' 8
32	66° 30' 3	57° 38' 3
33	66° 36' 1	57° 39' 2
34	66° 37' 9	57° 39' 6
35	66° 41' 8	57° 40' 6
36	66° 49' 5	57° 43' 0
37	67° 21' 6	57° 52' 7
38	67° 27' 3	57° 54' 9
39	67° 28' 3	57° 55' 3
40	67° 29' 1	57° 56' 1
41	67° 30' 7	57° 57' 8
42	67° 35' 3	58° 02' 2
43	67° 39' 7	58° 06' 2
44	67° 44' 2	58° 09' 9
45	67° 56' 9	58° 19' 8
46	68° 01' 8	58° 23' 3
47	68° 04' 3	58° 25' 0
48	68° 06' 8	58° 26' 7
49	68° 07' 5	58° 27' 2
50	68° 16' 1	58° 34' 1
51	68° 21' 7	58° 39' 0
52	68° 25' 3	58° 42' 4
53	68° 32' 9	59° 01' 8
54	68° 34' 0	59° 04' 6
55	68° 37' 9	59° 14' 3
56	68° 38' 0	59° 14' 6
57	68° 56' 8	60° 02' 4
58	69° 00' 8	60° 09' 0
59	69° 06' 8	60° 18' 5
60	69° 10' 3	60° 23' 8
61	69° 12' 8	60° 27' 5
62	69° 29' 4	60° 51' 6
63	69° 49' 8	60° 58' 2
64	69° 55' 3	60° 59' 6
65	69° 55' 8	61° 00' 0
66	70° 01' 6	61° 04' 2
67	70° 07' 5	61° 08' 1
68	70° 08' 8	61° 08' 8
69	70° 13' 4	61° 10' 6
70	70° 33' 1	61° 17' 4
71	70° 35' 6	61° 20' 6
72	70° 48' 2	61° 37' 9
73	70° 51' 8	61° 42' 7
74	71° 12' 1	62° 09' 1
75	71° 18' 9	62° 17' 5
76	71° 25' 9	62° 25' 5
77	71° 29' 4	62° 29' 3
78	71° 31' 8	62° 32' 0
79	71° 32' 9	62° 33' 5
80	71° 44' 7	62° 49' 6
81	71° 47' 3	62° 53' 1
82	71° 52' 9	63° 03' 9



<i>Point No.</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
83	72° 01' 7	63° 21' 1
84	72° 06' 4	63° 30' 9
85	72° 11' 0	63° 41' 0
86	72° 24' 8	64° 13' 2
87	72° 30' 5	64° 26' 1
88	72° 36' 3	64° 38' 8
89	72° 43' 7	64° 54' 3
90	72° 45' 7	64° 58' 4
91	72° 47' 7	65° 00' 9
92	72° 50' 8	65° 07' 6
93	73° 18' 5	66° 08' 3
94	73° 25' 9	66° 25' 3
95	73° 31' 1	67° 15' 1
96	73° 36' 5	68° 05' 5
97	73° 37' 9	68° 12' 3
98	73° 41' 7	68° 29' 4
99	73° 46' 1	68° 48' 5
100	73° 46' 7	68° 51' 1
101	73° 52' 3	69° 11' 3
102	73° 57' 6	69° 31' 5
103	74° 02' 2	69° 50' 3
104	74° 02' 6	69° 52' 0
105	74° 06' 1	70° 06' 6
106	74° 07' 5	70° 12' 5
107	74° 10' 0	70° 23' 1
108	74° 12' 5	70° 33' 7
109	74° 24' 0	71° 25' 7
110	74° 28' 6	71° 45' 8
111	74° 44' 2	72° 53' 0
112	74° 50' 6	73° 02' 8
113	75° 00' 0	73° 16' 3

(3) From Point 113 the fishing limit shall be the parallel of latitude through the following points:

113	75° 00' 0 N	73° 16' 3 W
113a	75° 00' 0 N	59° 48' 0 W

(4) The fishing territory relative to Iceland, where the coasts of that country are opposite the coasts of Greenland within a distance of 400 nautical miles, shall be delimited, except where otherwise agreed, by the line which at every point is equidistant from the baselines at the coasts of the two countries (the median line) up to latitude 67° N, from where the line shall be the parallel of latitude to 67° 00' 0 N, 32° 50' 6 W.

2. The straight baselines (compass lines) or coastal lines from which, pursuant to section 1 above, the fishing limit shall be measured shall be drawn between the following points (low water mark at mean spring tide) in the sequence indicated below:

*West Greenland*

Point 1	..... S-most island of group of islands SSW of Cape Farewell	59° 43' 2 N 44° 00' 7 W
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Point 2 . . . . .	Island S of Kulusuk	59° 50' 7 N 44° 59' 5 W
Point 3 . . . . .	Naujat	59° 58' 6 N 45° 21' 9 W
Point 4 . . . . .	Qeqertat	60° 34' 7 N 47° 34' 9 W
Point 5 . . . . .	Island 2.5 nautical miles S of Thorstein Icelander	60° 43' 3 N 48° 24' 9 W
Point 6 . . . . .	Island 2.0 nautical miles S of Thorstein Icelander	60° 43' 8 N 48° 26' 6 W
Point 7 . . . . .	Island 1.5 nautical miles WSW of Thor- stein Icelander	60° 45' 1 N 48° 29' 1 W
Point 8 . . . . .	Island 1.5 nautical miles W of Thorstein Icelander	60° 45' 9 N 48° 29' 6 W
Point 9 . . . . .	Semersût ûmánarssua	61° 14' 6 N 48° 57' 4 W
Point 10 . . . . .	Qïoqe	61° 31' 4 N 49° 23' 0 W
Point 11 . . . . .	Frederikshåb Umanak (Qajaerserfik)	61° 45' 0 N 49° 37' 4 W
Point 12 . . . . .	Frederikshåb Qïoqe (Varde Island)	61° 56' 0 N 49° 48' 9 W
Point 13 . . . . .	Ikermiut	62° 23' 2 N 50° 16' 1 W
Point 14 . . . . .	Island 1 nautical mile SW of Tulugartalik	62° 28' 3 N 50° 21' 5 W
Point 15 . . . . .	Southern Kitdlit	62° 42' 5 N 50° 33' 8 W
Point 16 . . . . .	SW-most island of Hellefiske Islands	63° 02' 2 N 51° 00' 0 W
Point 17 . . . . .	Kitdlit	63° 08' 3 N 51° 10' 4 W
Point 18 . . . . .	Dry rock approx. 2.3 nautical miles SSW of Qilangaussua	63° 22' 8 N 51° 23' 9 W
Point 19 . . . . .	Cook Islands	63° 59' 6 N 52° 11' 3 W
Point 20 . . . . .	Cook Islands	64° 00' 1 N 52° 11' 8 W
Point 21 . . . . .	Southern island approx. 1.5 nautical miles W of Qagssup Igdlua	64° 24' 8 N 52° 20' 0 W
Point 22 . . . . .	Avatdlerparssuaq	65° 30' 4 N 53° 15' 9 W
Point 23 . . . . .	S-most island W of Qerralik	66° 03' 6 N 53° 40' 7 W
Point 24 . . . . .	N-most island W of Qerralik	66° 04' 6 N 53° 41' 2 W
Point 25 . . . . .	Ikerasagtût	66° 13' 5 N 53° 48' 1 W
Point 26 . . . . .	Ikardlugssuaq	66° 25' 8 N 53° 55' 5 W

Point 27 . . . .	Qagssit	66° 59' 6 N 54° 08' 1 W
Point 28 . . . .	Kitsigsut	67° 47' 1 N 53° 58' 6 W
Point 29 . . . .	Kingigtut	68° 00' 8 N 53° 52' 5 W
Point 30 . . . .	Kitdliat	68° 16' 9 N 53° 45' 9 W
Point 31 . . . .	Blaafjeld (Uivfag)	69° 22' 3 N 54° 14' 4 W
Point 32 . . . .	Ingigssuaq	69° 36' 3 N 54° 49' 1 W
Point 33 . . . .	Northern Salmon Bay (Laksebugt), N-most point	69° 39' 0 N 54° 50' 0 W
Point 34 . . . .	W-point at Kingigtup gága	69° 42' 9 N 54° 59' 2 W
Point 35 . . . .	Iron Point (Jernpynten) (Navssap nua)	69° 50' 1 N 54° 56' 1 W
Point 36 . . . .	Hare Island (Navdluarssurausaq)	70° 26' 7 N 55° 02' 8 W
Point 37 . . . .	Narssaq	71° 27' 8 N 55° 29' 8 W
Point 38 . . . .	Sigguk (Svartenhuk)	71° 41' 3 N 55° 52' 3 W
Point 39 . . . .	Tikerarsuaq (Dark Head)	72° 08' 3 N 56° 04' 0 W
Point 40 . . . .	Nunanguit (Smålandene)	72° 46' 3 N 56° 38' 1 W
Point 41 . . . .	Kingigtortagdlit	73° 02' 0 N 56° 56' 0 W
Point 42 . . . .	S-most point of Eider Islands	74° 01' 0 N 57° 50' 0 W
Point 43 . . . .	W-most point of Eider Islands	74° 02' 3 N 57° 51' 1 W
Point 44 . . . .	Qutdleq	74° 39' 9 N 57° 57' 8 W
Point 45 . . . .	W-most Sabine Island	75° 29' 8 N 60° 14' 0 W
Point 46 . . . .	Bushman Island	75° 57' 4 N 65° 00' 9 W
Point 47 . . . .	Cape York	75° 54' 4 N 66° 29' 3 W
Point 48 . . . .	Conical Rock SW-point	76° 04' 8 N 68° 43' 0 W

Between points 33 and 34 the baseline is the coastal line.

*East Greenland*

Point 1 . . . . .	S-most island of group of islands SSW of Cape Farewell	59° 43' 2 N 44° 00' 7 W
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Point 2	..... Island approx. 2.6 nautical miles S of Avalernga	59° 45' 4 N 43° 47' 2 W
Point 3	..... SE point of S-most island ESE of Cape Hoppe	59° 55' 3 N 43° 10' 9 W
Point 4	..... E point of island mentioned under point 3	59° 55' 4 N 43° 10' 7 W
Point 5	..... E point of N-most island ESE of Cape Hoppe	59° 55' 4 N 43° 10' 6 W
Point 6	..... SE point of island 1.5 nautical miles E of Qagssit	60° 01' 0 N 43° 03' 1 W
Point 7	..... NE point of island 1.5 nautical miles E of Qagssit	60° 01' 3 N 43° 02' 9 W
Point 8	..... Island 1.9 nautical miles ENE of Qagssit	60° 01' 8 N 43° 02' 6 W
Point 9	..... SE point of island approx. 2 nautical miles E of Aluk	60° 09' 4 N 42° 58' 8 W
Point 10	.... E-most island NE of Cape Discord	60° 53' 3 N 42° 37' 3 W
Point 11	.... Qutdleg	61° 32' 4 N 42° 13' 7 W
Point 12	.... Umanarsuk	61° 49' 6 N 42° 02' 0 W
Point 13	.... SE point of Griffenfeld Island	62° 51' 9 N 41° 30' 0 W
Point 14	.... E-most island at Cape Skjold	63° 06' 2 N 41° 10' 7 W
Point 15	.... Qertartivaq	63° 32' 1 N 40° 39' 5 W
Point 16	.... Twin Island (at Cape Møsting)	63° 41' 1 N 40° 30' 6 W
Point 17	.... Umivita	64° 20' 0 N 40° 11' 7 W
Point 18	.... Qertartip Saliaqita	64° 59' 7 N 39° 43' 1 W
Point 19	.... Island approx. 3 nautical miles ESE of Cape Dan	65° 29' 1 N 37° 03' 3 W
Point 20	.... E-most Kitsigsit Island	65° 33' 6 N 36° 35' 9 W
Point 21	.... Uigertertivit	65° 44' 5 N 36° 08' 1 W
Point 22	.... SW border of Wahl Fjord	66° 19' 3 N 34° 47' 4 W
Point 23	.... Nagsigpiq	66° 21' 3 N 34° 42' 3 W
Point 24	.... Nanortalik	66° 35' 5 N 34° 12' 7 W
Point 25	.... Island approx. 1.75 nautical miles E of Cape S. M. Jørgensen	66° 45' 5 N 33° 52' 6 W

Point 26 . . . . Little Tindholm	66° 54' 5 N 33° 34' 9 W
Point 27 . . . . Pagtulajivit	67° 36' 1 N 32° 30' 1 W
Point 28 . . . . Point 1.5 nautical miles W of Cape I. C. Jacobsen	68° 05' 3 N 30° 34' 3 W
Point 29 . . . . Cape I. C. Jacobsen	68° 05' 6 N 30° 30' 0 W
Point 30 . . . . Nunap Isua	68° 07' 5 N 30° 10' 9 W
Point 31 . . . . Cape Nansen	68° 13' 1 N 29° 24' 5 W
Point 32 . . . . Cape Vedel	68° 28' 9 N 27° 37' 1 W

Between points 3 and 4, 6 and 7, 28 and 29, the baseline is the coastal line.

(e) EXECUTIVE ORDER NO. 631 OF 23 DECEMBER 1976 BY THE MINISTRY FOR GREENLAND CONCERNING DANISH AND FAROESE FISHERIES IN THE GREENLAND FISHERY ZONE<sup>1</sup>

Pursuant to article 1, paragraphs 5 and 8, of Act No. 413 of 13 June 1973<sup>2</sup> on commercial fishing, trapping and hunting in Greenland, as amended by Act No. 624 of 22 December 1976<sup>3</sup> and Act No. 597 of 17 December 1976<sup>4</sup> concerning the fishery zone of the Kingdom of Denmark, it is hereby provided as follows:

*Article 1.* 1. This Executive Order shall apply to the following persons and establishments not resident in Greenland and having no permanent connexion with the Greenland community:

- (1) Danish nationals;
- (2) Institutions and associations whose management consists exclusively of Danish nationals who are resident in the Kingdom;
- (3) Jointly-owned shipping companies which are at least two-thirds owned by Danish nationals and the managing owner of which is a Danish national and is resident in the Kingdom;
- (4) Joint-stock companies and other limited-liability companies which have elected a board of directors, where at least two-thirds of the directors are Danish nationals who are resident in the Kingdom;
- (5) Other companies in which at least two-thirds of the participants are Danish nationals who are resident in the Kingdom.

2. Where institutions, associations or companies are partners in a jointly-owned shipping company or in a company as referred to in para-

<sup>1</sup> Entered into force as of 1 January 1977. Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/18, p. 301.

<sup>3</sup> See *infra*, division V, 11 (b).

<sup>4</sup> See *supra* (a).

graph (1), subparagraph 5, each partner must independently meet the requirements of this Executive Order in order to be able to engage in fishing operations.

*Article 2.* The persons and establishments referred to in article 1 shall be entitled to engage in the activities specified below with vessels registered in the Kingdom:

(1) To engage in commercial fishing in the Greenland fishery zone more than 12 nautical miles from the baselines which are used to determine the fishery boundaries;

(2) To process and trans-ship fish and fish products within the area referred to in subparagraph 1;

(3) To transport fish and fish products from the area referred to in subparagraph 1 to landing places in Greenland.

*Article 3.* The Governor of Greenland may, in special cases, grant to persons other than those referred to in article 1 specific authorization to engage in the activities mentioned in article 2 (2) and (3).

*Article 4.* Offences against the provisions of this Executive Order or violations of the conditions of the authorization granted in pursuance of the Order may lead to a warning or fine. Such cases shall be dealt with in accordance with the rules laid down in the Act on commercial fishing, trapping and hunting in Greenland.

(f) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT NO. 77 OF 27 DECEMBER 1976 CONCERNING THE GRANTING OF CERTAIN TEMPORARY POWERS TO THE NATIONAL EXECUTIVE IN CONNEXION WITH THE EXTENSION OF THE FISHERY ZONE<sup>1</sup>

*Article 1.* In connexion with the extension of the fishery zone the National Executive shall be empowered, in respect of the part of the fishery zone lying more than 12 nautical miles from the baselines, to grant exemptions, by means of Executive Orders, special laws or other similar instruments, from the following provisions of Legislative Assembly (Faroe Islands) Act No. 12 of 10 March 1964<sup>2</sup> concerning fishing in the fishery zone.

1. From the prohibition in article 2 of commercial fishing by fishing vessels belonging to and registered in a foreign State and by foreign nationals. Such exemptions may be granted only after consultation with the Market Committee of the Legislative Assembly.

2. From the prohibition in article 3 of fishing with trawls, otter trawls or Danish seines. Such exemptions may be granted only after consultation with the Fisheries Committee of the Legislative Assembly.

3. Any agreement concluded with other countries shall be submitted to the Legislative Assembly for approval before it enters into force.

<sup>1</sup> Entered into force on 1 January 1977 pursuant to article 3. Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/15, p. 622.

*Article 2.* Executive Orders, special laws, and similar instruments enacted pursuant to this Act may prescribe penalties in the form of fines for offences against the provisions of Executive Orders or the conditions of special laws and similar instruments.

*Article 3.* This Act shall enter into force in 1 January 1977 and shall be submitted to the Legislative Assembly for review by 1 December 1977 at the latest.

(g) EXECUTIVE ORDER NO. 47 OF 8 FEBRUARY 1977 BY THE MINISTRY FOR GREENLAND CONCERNING THE SUPERVISION OF FISHING BY NON-EEC COUNTRIES IN THE GREENLAND FISHERY ZONE<sup>1</sup>

Pursuant to article 4, paragraph 1, and article 11 of Act No. 413 of 13 June 1973<sup>2</sup> on commercial fishing, trapping and hunting in Greenland, as amended by Act No. 624 of 22 December 1976<sup>3</sup> and Act No. 597 of 17 December 1976<sup>4</sup> concerning the fishing zone of the Kingdom of Denmark, it is hereby provided as follows:

*Article 1.* 1. This Executive Order shall apply to persons and establishments from countries which are not members of the European Economic Community (EEC) and which have been granted the rights of access to the fisheries in the Greenland fishery zone.

2. This Executive Order shall apply both to vessels engaged in fishing and to vessels which prepare, trans-ship and transport fish and fish products.

*Article 2.* 1. Before arrival in the Greenland fishery zone, information shall be provided concerning:

- (1) The vessel's name;
- (2) The vessel's country of registry;
- (3) The vessel's registry number;
- (4) The number displayed on the vessel's side;
- (5) The name of the vessel's master;
- (6) The vessel's radio call signal;
- (7) The activities planned (including the expected fishing area and the kind of fishing concerned).

2. No later than 48 hours before departure from the Greenland fishery zone, notification shall be given of the expected time of departure.

*Article 3.* 1. No later than one week after arrival in the Greenland fishery zone, a report shall be submitted, stating:

- (1) The vessel's name;
- (2) The vessel's country of registry;

<sup>1</sup> Danish text provided by the Foreign Ministry of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/18, p. 301.

<sup>3</sup> See *infra*, division V, 11 (b).

<sup>4</sup> See *supra* (a).

- (3) The vessel's registry number;
- (4) The number displayed on the vessel's side;
- (5) The vessel's radio call signal;
- (6) The period covered by the report;
- (7) The nominal catch (round weight) during the period for each species of fish and for each area. The areas for East Greenland are the ICES statistical areas and for West Greenland the ICNAF divisions (1A-1F). In the case of shrimp fishing off West Greenland, however, all catches, including those portions returned to the sea shall be reported, broken down according to the following areas:
  - (i) ICNAF division 1A north of 69° 30' North;
  - (ii) ICNAF division 1A south of 69° 30' North and ICNAF division 1B north of 68° 00' North;
  - (iii) ICNAF division 1B south of 68° 00' North and ICNAF division 1C;
  - (iv) ICNAF division 1D, 1E and 1F;
- (8) In the case of trans-shipment: species, amount (with information as to whether the calculation is based on product weight or round weight) and the vessel to which trans-shipment was made;
- (9) The date of the report;
- (10) The name of the vessel's master.

2. A similar report shall be submitted on the same day of each successive week so long as the vessel remains in the Greenland fishery zone. Before departure from the fishery zone, a final report of the same kind shall be submitted, specifying the vessel's total catch for each species and for each area specified in paragraph (1), subparagraph 7.

*Article 4.* The reports referred to in articles 2 and 3 shall be in Danish or English and shall be telegraphed to the Governor of Greenland (telegraphic address: CENTRAL, Godthåb).

*Article 5.* The logbook shall be permanently kept on board and shall include daily entries concerning:

- (1) Position;
- (2) The sizes of catches, including those portions returned to the sea, broken down according to species;
- (3) The types of fishing gear used;
- (4) The amount of fishing activity, that is to say, the number of lines and hooks and the number of times trawls were hauled in, and the total amount of time the gear was used for fishing during the day in question;
- (5) The use made of each catch, including those portions returned to the sea;



(6) The total number of catches the vessel has made during the year in question, including those portions returned to the sea, broken down according to species for each of the areas specified in article 3, paragraph (1), subparagraph 7.

*Article 6.* Offences against the provisions of this Executive Order may lead to warning or fine. Such cases shall be dealt with in accordance with the rules laid down in the Act on commercial fishing, trapping and hunting in Greenland.

...

(h) EXECUTIVE ORDER NO. 347 OF 16 JUNE 1977 BY THE MINISTRY FOR GREENLAND CONCERNING SALMON FISHING IN THE GREENLAND FISHERY AREA<sup>1</sup>

Pursuant to article 4 of Act No. 413 of 13 June 1973<sup>2</sup> on commercial fishing, trapping and hunting in Greenland, as amended by Act No. 624 of 22 December 1976<sup>3</sup> and by Act No. 597 of 17 December 1976<sup>4</sup> on the fishing territory of the Kingdom of Denmark, it is hereby provided as follows:

*Article 1.* This Executive Order shall apply to commercial salmon fishing carried out in 1977 in the Greenland fishery area west of Capte Farvel by Greenland fishermen.

*Article 2.* 1. Salmon fishing may take place only with the authorization of the Minister for Greenland or such person as he may authorize for the purpose. In connexion with such authorization, an apportionment of the catch quantities may be made among the persons receiving authorization. For the purpose of arriving at a suitable apportionment, the Governor of Greenland may establish provisions, over and above the measures referred to in article 4, prohibiting or restricting the use of certain fishing gear, types of fishing gear or fishing methods; a notice to that effect may be issued through the radio and press.

2. Authorizations may not be granted to persons whose main occupation lies outside the fields of fishing, trapping and sheep farming.

*Article 3.* Gear used for the purpose of salmon fishing must not be set in place before 10 August.

...

*Article 6.* 1. Offences against the provisions of this Executive Order may give rise to a warning or a fine.

2. The regulations of the Criminal Code for Greenland shall apply with respect to confiscation. A catch may be confiscated even if it cannot

<sup>1</sup> Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/18, p. 301.

<sup>3</sup> See *infra*, division V, 11 (b).

<sup>4</sup> See *supra* (a).

be definitely established that it derives in its entirety from the unlawful circumstance.

...

*Article 7.* Executive Order No. 353 of 15 June 1976 concerning salmon fishing in the Greenland fishery area, as amended by Executive Order No. 498 of 8 October 1976, shall cease to have effect.

## 11. DOMINICAN REPUBLIC

[ACT NO. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF, AS AMENDED IN 1977, Articles 4-6 and 8]<sup>1</sup>

## 12. GERMAN DEMOCRATIC REPUBLIC

(a) DECREE OF 22 DECEMBER 1977 CONCERNING THE ESTABLISHMENT OF A FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC IN THE BALTIC SEA<sup>2</sup>

### *Article 1*

Effective 1 January 1978, the German Democratic Republic shall establish a fishery zone adjacent to the seaward boundary of its territorial sea.

### *Article 2*

(1) The fishery zone of the German Democratic Republic shall be delimited in relation to other States, whose coasts lie opposite the coast of the German Democratic Republic or border on the coasts of the German Democratic Republic, unless otherwise provided in inter-governmental agreements with these States in such a way, that the limit shall be the line on which each point is equidistant from the nearest points on the baselines, from which the breadth of the territorial sea of each State is measured.

(2) The baseline as determined in the relevant laws and regulations of the German Democratic Republic<sup>3</sup> shall be the basis for the delimitation of the fishery zone of the German Democratic Republic.

### *Article 3*

The German Democratic Republic shall exercise sovereign rights in the fishery zone referred to in Article 1 for the purpose of the exploration,

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 11.

<sup>2</sup> Entered into force on 22 December 1977 pursuant to article 9. English version provided by the Permanent Representative of the German Democratic Republic to the United Nations in a letter of 15 March 1979.

<sup>3</sup> Presently, the Decree Concerning the Regulations Governing the Border Areas and the Territorial Sea of the German Democratic Republic of 15 June 1972 (abbr. Border Regulations) (GBl. II Nr. 43 p. 483, Ber.GBl.I 1974 Nr. 39, p. 368) (partially reproduced in SG/LEG.B/18, p. 19,) is applicable as amended by Decree No. 2 of 24 July 1974 (GBl. Nr. 39 p. 367).

conservation, utilization and management of fish stocks and other living resources.

*Article 4*

Within the fishery zone of the German Democratic Republic, fishing vessels of other States may conduct fisheries and engage in other related activities only on the basis of inter-governmental agreements between the German Democratic Republic and these States.

*Article 5*

(1) The regulations necessary for the exploration, conservation, utilization and rational management of fish stocks and other living resources in the fishery zone of the German Democratic Republic shall be issued by the competent authorities of the German Democratic Republic on the basis of this decree.

(2) The regulations referred to in paragraph 1 shall especially include the following stipulations:

(a) the annual total allowable catch in the fishery zone of the German Democratic Republic broken down to individual species and specific areas;

(b) the portion of the annual allowable catch which may be harvested by fishing vessels of other States in accordance with Article 4, and the conditions governing such fishing operations;

(c) measures to ensure the rational and orderly conduct of fishing operations including provisions to govern the number and size of vessels, the fishing gear to be used, limitations concerning fishing gear, the establishment of closed seasons and closed areas, and other measures necessary for the protection, conservation and increase of fish stocks and other living resources.

*Article 6*

The present decree shall not affect the rights and obligations ensuing from the membership of the German Democratic Republic in international organizations or from inter-governmental agreements of the German Democratic Republic with other States.

*Article 7*

Violations of the provisions of this decree shall be punishable in accordance with the laws and regulations of the German Democratic Republic.

*Article 8*

The provisions of the present decree shall be reviewed following the conclusion of the Third United Nations Conference on the Law of the Sea in the light of the results attained there.

(b) LAW OF 13 OCTOBER 1978 ON FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC<sup>1</sup>

*Article 1*

PURVIEW

(1) This Law shall be applicable to the fisheries conducted by fishing vessels of other States in the fishery zone of the German Democratic Republic.

(2) This Law shall not be applicable to fishing vessels sailing under the flag of the German Democratic Republic.

*Article 2*

BASIC PROVISION GOVERNING THE CONDUCT OF FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC

(1) Within the fishery zone of the German Democratic Republic, fishing vessels of other States may conduct fisheries and engage in related activities by virtue of inter-governmental agreements between the German Democratic Republic and these States.

(2) Catch quotas may be granted to the States in question in pursuance of inter-governmental agreements. At the same time, the maximum fishing effort concerning total fisheries, individual species of fish and specific areas shall be established.

(3) According to the catch quotas allocated, the fishing vessels of the States in question may be granted permits to conduct fisheries (hereinafter referred to as "licence"), without which fishing shall not be allowed.

(4) The competent authorities of the German Democratic Republic may levy fees for the granting of licences for the conduct of fisheries in the fishery zone of the German Democratic Republic.

CONDITIONS GOVERNING THE CONDUCT OF FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC

*Article 3*

The competent authorities of the States with which inter-governmental agreements were signed under Article 2 paragraph 1, shall transmit to the competent authorities of the German Democratic Republic the data prescribed by the latter concerning vessels which wish to conduct fisheries or to engage in related activities in the fishery zone of the German Democratic Republic.

*Article 4*

The beginning and completion of fishing operations in the fishery zone of the German Democratic Republic shall be reported in accordance

<sup>1</sup> Entered into force pursuant to Article 14 upon its promulgation on 13 October 1978. English version provided by the Permanent Representative of the German Democratic Republic to the United Nations in a letter of 15 March 1979.

with the regulations of the competent authorities of the German Democratic Republic. The same shall apply to the data concerning fishing activities in the fishery zone of the German Democratic Republic.

*Article 5*

(1) The fishing vessels permitted to fish in the fishery zone of the German Democratic Republic are required to keep a fishing log book which shall contain data regarding the location and time of the catch, the fishing effort and daily catch, the transshipment of the catch to other vessels, and the fish taken on board for processing or transportation. The fishing log book shall be presented to the competent authorities of the German Democratic Republic upon their request.

(2) Instead of the fishing log book vessels less than 15 meters in length may keep a catch record which shall contain complete and chronological data at least about the fishing grounds, the time of the catch, the species of fish and the daily catch.

*Article 6*

Fishing vessels which conduct fisheries and engage in other related activities in the fishery zone of the German Democratic Republic, shall display in a conspicuous place the flag of the registration or home State.

*Article 7*

PROTECTION AND CONSERVATION OF LIVING RESOURCES

Fishing vessels of foreign States have to conduct their fisheries and engage in related activities in the fishery zone of the German Democratic Republic with due respect for the laws and regulations of the German Democratic Republic pertaining to the conservation, utilization and rational management of fish stocks and other living resources.

*Article 8*

SUPERVISION AND CONTROL

(1) The competent authorities of the German Democratic Republic shall be responsible for the supervision and control of the observance by the fishing vessels of foreign States of the laws and regulations in the fishery zone of the German Democratic Republic.

(2) The competent authorities shall be empowered

(a) to call on fishing vessels to display the flag;

(b) to stop fishing vessels, to board them and to stay on board while the fishing vessels are within the fishery zone of the German Democratic Republic;

(c) to inspect fishing vessels, including the examination of holds for fish and fish products, processing facilities and fishing gear;

(d) to examine the ship's papers and all documents which contain information about fishing operations in the fishery zone of the German Democratic Republic and, if necessary, to make copies thereof;

(e) to use the radio and telex installations of the fishing vessel inspected;

(f) to enter any violation observed in the fishing log book or the catch record;

(g) to seize objects for the purpose of securing evidence in cases of violation of the laws and regulations regarding the conduct of fisheries in the fishery zone of the German Democratic Republic;

(h) to call on fishing vessels to leave the fishery zone of the German Democratic Republic or to move them into a port of the German Democratic Republic and to bring them before an authority to investigate the responsibility under criminal law.

(3) The authorities responsible for supervision and control shall be empowered to give instructions to the master or the person in charge of the vessel, if this is necessary to ensure observance of the laws and regulations in the fishery zone of the German Democratic Republic.

(4) The measures taken in accordance with paragraph 2 shall be specified in a report to be drawn up in German, which shall be countersigned by the master or the person in charge of the vessel. The master or the person in charge of the vessel may enter his reservations in the report or add them separately in any language.

#### *Article 9*

##### RESEARCH WORK

The use of research vessels to explore living resources in the fishery zone of the German Democratic Republic shall be subject to prior approval by the competent authorities of the German Democratic Republic, unless otherwise provided in inter-governmental agreements between the German Democratic Republic and other States.

##### PROVISIONS CONCERNING PUNITIVE ACTION AND FINES

#### *Article 10*

(1) Anyone who deliberately or negligently conducts fisheries in the fishery zone of the German Democratic Republic without a licence or in violation of the provisions of pertinent inter-governmental agreements shall be fined a maximum of 100,000 marks.

(2) Any attempt shall be punishable.

#### *Article 11*

(1) In petty cases, acts under Article 10, paragraph 1, may be subject to reprimand or a fine between 10 and 500 marks as minor offences.

(2) Equally, anyone may be held responsible who deliberately or negligently

1. violates the provisions laid down by the competent authorities of the German Democratic Republic for the conduct of fisheries;

2. obstructs the measures under Article 8 or fails to comply with the instructions given by the competent authorities;

3. violates the laws and regulations in force in the German Democratic Republic regarding the conservation, utilization and rational management of fish stocks and other living resources.

(3) If a deliberate act under paragraphs 1 and 2 is committed for self-gain or similar reasons in disregard of public interests, or if the act has been repeatedly committed within two years and punished with a fine, a fine of up to 1,000 marks may be imposed.

(4) The institution of legal proceedings to impose a fine shall be the responsibility of the heads of the authorities in charge of the supervision and control of the observance by fishing vessels of laws and regulations in the fishery zone of the German Democratic Republic.

(5) The Act to Combat Minor Offences (abbr. OWG) of 12 January 1968 (Gesetzblatt I Nr. 3, p. 101) shall be applicable to the institution of legal proceedings to impose a fine and to the imposition of fines.

#### *Article 12*

(1) In addition to the penalty or the imposition of a fine objects which have been used or are destined to be used to commit the criminal act or the minor offence, or objects which have been obtained by such act, shall be confiscated without compensation regardless of ownership or the rights of any third party.

(2) Confiscation according to paragraph 1 may also be an independent action.

(3) Beside the action set forth in paragraphs 1 and 2 or independent action, the licence granted may be revoked.

...

### 13. GERMANY, FEDERAL REPUBLIC OF

#### PROCLAMATION OF THE FEDERAL REPUBLIC OF GERMANY OF 21 DECEMBER 1976 ON THE ESTABLISHMENT OF A FISHERY ZONE OF THE FEDERAL REPUBLIC OF GERMANY IN THE NORTH SEA<sup>1</sup>

Profound changes are underway in the international law of the sea. This is evident particularly from the proceedings of the Third United Nations Conference on the Law of the Sea, which has been in progress since 1973 and has not yet completed its work. Independently of the Conference, however, many States, also in the North Atlantic area, have, without waiting for the outcome of the Conference, begun unilaterally to claim fishery or economic zones extending up to 200 nautical miles off

<sup>1</sup> *Bundesgesetzblatt* 1976, part II, p. 1999. English text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale dated 2 August 1977.

their coasts. This constitutes a very serious threat to the fishery interests of the Federal Republic of Germany as well as of other member States of the European Communities.

On 3 November 1976 the Council of the European Communities agreed, in order to protect the legitimate interests of the member States and taking due account of the main trends emerging at the Conference on the Law of the Sea regarding fishery rights, to take joint steps to deal with this danger. The Council accordingly decided that the member States would, in one concerted move, extend to 200 miles, as from 1 January 1977, the limits of their fisheries jurisdiction off their coasts in the North Sea and the North Atlantic, and that from that date the exploitation of fish stocks in these waters by fishermen from third countries would be regulated in agreements between the European Economic Community and the countries concerned.

In pursuance of the resolution of the Council of the European Communities of 3 November 1976 and following consultation with the other member States the Federal Republic of Germany proclaims the following:

1. The Federal Republic of Germany establishes in the North Sea with effect from 1 January 1977 a fishery zone extending from the seaward boundary of its territorial sea up to 200 miles measured from the baseline, and exercises sovereign rights within this zone for the purpose of the conservation and exploitation of fish stocks. The delimitation of the fishery zone of the Federal Republic of Germany in relation to the fishery zones of other States in the North Sea shall be subject to agreements with such States.

2. In accordance with the resolution of the Council of the European Communities of 3 November 1976, fishermen from the member States of the European Communities are authorized to fish in the fishery zone of the Federal Republic of Germany in accordance with Community Law, while fishermen from third countries may do so as from 1 January 1977 only with special permission or on the basis of agreements with those countries. In the event of contraventions the Federal Republic of Germany reserves the right if necessary to take appropriate measures.

3. The Federal Republic of Germany will exercise its rights in its fishery zone in the North Sea within the framework of the Common Fisheries Policy of the European Communities. The Federal Republic of Germany expects the Third United Nations Conference on the Law of the Sea to arrive at appropriate and equitable results to which the Federal Republic of Germany together with the other member States of the European Communities can agree. It therefore explicitly reserves the right, in agreement with its EC partners, to bring any provisions governing rights and obligations in its fishery zone into line with the results of the Third Conference on the Law of the Sea.

4. The Federal Government intends to introduce the requisite legislative measures as soon as possible.



#### 14. GUATEMALA

[LEGISLATIVE DECREE No. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Articles 3-6 and 8]<sup>1</sup>

#### 15. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Sections 2, 15-41]<sup>2</sup>

#### 16. HAITI

[DÉCLARATION PRÉSIDENTIELLE DU 6 AVRIL 1977 RELATIVE À L'EXTENSION DES EAUX TERRITORIALES ET DE LA ZONE ÉCONOMIQUE EXCLUSIVE]<sup>3</sup>

#### 17. ICELAND

[LAW No. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF, Articles 3, 4 and 7-10]<sup>4</sup>

#### 18. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Sections 7, 9-16]<sup>5</sup>

#### 19. IRELAND

MARITIME JURISDICTION (EXCLUSIVE FISHERY LIMITS) ORDER, 1976<sup>6</sup>

...

2. In this Order a reference to section 6 (1) of the Maritime Jurisdiction Act, 1959 (No. 22 of 1959)<sup>7</sup> is a reference to that section as amended by section 2 of the Maritime Jurisdiction (Amendment) Act, 1964 (No. 32 of 1964).

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 14.

<sup>2</sup> *Ibid.*, 16.

<sup>3</sup> *Ibid.*, 17.

<sup>4</sup> *Ibid.*, 18.

<sup>5</sup> *Ibid.*, 19.

<sup>6</sup> Of 22 December 1976. Text transmitted by the Permanent Representative of Ireland to the United Nations with a letter dated 25 April 1977. In accordance with art. 1, this Order came into operation on 1 January 1977.

<sup>7</sup> For the text of sect. 6 (1) of the Maritime Jurisdiction Act, 1959, as amended in 1964, see ST/LEG/SER.B/15, p. 640.

3. Subject to article 4 of this Order, the exclusive fishery limits of the State shall include, in addition to the sea areas specified in section 6 (1) of the Maritime Jurisdiction Act, 1959,<sup>7</sup> all sea areas between those areas and the line every point of which is at a distance of 200 nautical miles from the nearest point of the baseline.

4. Where because of the proximity of the fishery limits of another State the exclusive fishery limits specified in article 3 of this Order cannot be applied, the exclusive fishery limits of the State shall include, in addition to the sea areas specified in section 6 (1) of the Maritime Jurisdiction Act, 1959,<sup>7</sup> all sea areas between those areas and the equitable equidistant line between the State and the other State, being the appropriate line set out in the Schedule to this Order.

SCHEDULE

Article 4

PART I

Between latitude 47° N and latitude 54° N, the geodesic line joining the co-ordinates on European Datum set out under—

<i>Reference</i>	<i>Latitude</i>	<i>Longitude</i>
1	47° 52' 00" N	10° 05' 00" W
2	48° 00' 30" N	9° 55' 00" W
3	48° 16' 30" N	9° 43' 30" W
4	48° 50' 00" N	9° 18' 00" W
5	49° 34' 00" N	8° 38' 30" W
6	49° 53' 00" N	8° 20' 30" W
7	50° 02' 00" N	8° 11' 00" W
8	50° 11' 00" N	8° 00' 00" W
9	50° 19' 30" N	7° 48' 30" W
10	50° 39' 00" N	7° 23' 00" W
11	50° 45' 30" N	7° 15' 00" W
12	50° 58' 00" N	6° 53' 00" W
13	51° 03' 00" N	6° 42' 00" W
14	51° 04' 30" N	6° 35' 30" W
15	51° 19' 00" N	6° 27' 00" W
16	51° 21' 00" N	6° 25' 00" W
17	51° 38' 30" N	6° 08' 00" W
18	51° 54' 00" N	5° 55' 30" W
19	52° 06' 30" N	5° 47' 30" W
20	52° 18' 30" N	5° 37' 00" W
21	52° 29' 00" N	5° 23' 00" W
22	52° 34' 00" N	5° 25' 30" W
23	52° 39' 00" N	5° 26' 00" W
24	52° 45' 30" N	5° 25' 00" W
25	52° 48' 30" N	5° 24' 30" W
26	52° 58' 00" N	5° 21' 00" W
27	53° 08' 30" N	5° 17' 30" W
28	53° 15' 00" N	5° 19' 30" W
29	53° 20' 30" N	5° 18' 30" W

<i>Reference</i>	<i>Latitude</i>	<i>Longitude</i>
30 .....	53° 32' 00" N	5° 19' 00" W
31 .....	53° 44' 30" N	5° 14' 30" W
32 .....	53° 46' 30" N	5° 32' 30" W
33 .....	53° 47' 30" N	5° 41' 00" W
34 .....	53° 50' 00" N	5° 51' 00" W
35 .....	53° 51' 00" N	5° 52' 30" W

## PART II

Between latitude 55° N and latitude 58° N, the geodesic line joining the co-ordinates on European Datum set out under—

<i>Reference</i>	<i>Latitude</i>	<i>Longitude</i>
1 .....	57° 34' 00" N	14° 22' 30" W
2 .....	57° 20' 30" N	13° 31' 30" W
3 .....	56° 38' 00" N	9° 18' 00" W
4 .....	56° 35' 00" N	9° 00' 00" W
5 .....	56° 24' 00" N	8° 34' 00" W
6 .....	56° 08' 00" N	7° 44' 30" W
7 .....	55° 58' 00" N	7° 12' 30" W
8 .....	55° 55' 00" N	7° 04' 30" W
9 .....	55° 50' 30" N	6° 58' 30" W
10 .....	55° 48' 00" N	6° 54' 30" W
11 .....	55° 40' 00" N	6° 43' 00" W
12 .....	55° 38' 00" N	6° 40' 30" W
13 .....	55° 35' 30" N	6° 41' 30" W
14 .....	55° 30' 30" N	6° 42' 00" W
15 .....	55° 25' 00" N	6° 44' 00" W

## 20. JAPAN

- (a) LAW NO. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977<sup>1</sup>

*Article 1*

This Law, in line with factors such as the recent rapid developments in the international community toward a new order of the sea and other significant changes in the international environment relating to fisheries, and to ensure proper conservation and management of fishery resources, shall prescribe provisional measures necessary for the exercise of jurisdiction over fisheries and similar activities within the fishing zone.

<sup>1</sup> Amended by Law No. 83 of 29 November 1977. The original law entered into force on 1 July 1977 by Cabinet Order No. 211 of 17 June 1977. Unofficial English texts provided by the Permanent Representative of Japan to the United Nations in notes verbales dated 27 June 1977 and 5 January 1978.

JURISDICTION WITHIN THE FISHING ZONE

*Article 2*

Japan has jurisdiction over fisheries (The term "fisheries" means the undertaking involving the catching and taking or culturing of marine animals and plants. The same shall apply hereinafter.) within the fishing zone.

2. Japan also has jurisdiction over the catching and taking of marine animals and plants (Other than that which falls under "fisheries". The same shall apply hereinafter.) within the fishing zone.

3. In exercising its jurisdiction provided for in the preceding two paragraphs, Japan shall respect the recommendations relating to the conservation and management of fishery resources of international organizations of which Japan is a member.

DEFINITIONS

*Article 3*

In this Law, the term "the baseline of Japan" means the baseline provided for in article 2, paragraph 1, of the Law on the Territorial Sea (Law No. 30 of 1977).<sup>1</sup>

2. In this Law, the term "median line" means the line every point of which is equidistant from the nearest point on the baseline of Japan and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured.

3. In this Law, the term "fishing zone" means the areas of the sea (excluding the territorial sea and such areas of the sea as prescribed by Cabinet Order)<sup>2</sup> which extend from the baseline of Japan to the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan. Provided that, where any part of that line as measured from the baseline of Japan lies beyond the median line, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

4. In this Law, the term "foreigner" means the following:

(1) Persons who are not Japanese nationals, with the exception of persons lawfully resident in Japan and designated by the Minister of Agriculture and Forestry;

(2) Foreign countries, public organizations of a foreign country or similar organizations, or juridical persons and other organizations established under foreign laws.

APPLICATION OF LAWS AND REGULATIONS WITHIN THE FISHING ZONE

*Article 4*

The laws and regulations of Japan shall apply, as prescribed by Cabinet Order, with respect to the fisheries and the catching and taking of marine

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 11 (a).

<sup>2</sup> *Infra* (b).

animals and plants in which foreigners engage within the fishing zone. The technical modifications necessary for the application of these laws and regulations shall be prescribed by Cabinet Order.<sup>1</sup>

PROHIBITION OF FISHERIES, ETC.

*Article 5*

Foreigners shall not engage in fisheries or in the catching and taking of marine animals and plants in the following areas of the sea within the fishing zone, except in so far as such catching and taking of marine animals and plants is of insignificant nature as prescribed by Ministry of Agriculture and Forestry Ordinance.

(1) Areas of the sea within the designated areas provided for in paragraph 2 of the Supplementary Provisions of the Law on the Territorial Sea but limited to that part of the sea which extends from the baseline of Japan to the line every point of which is 12 nautical miles from the baseline of Japan;

(2) Areas of the sea designated by the Minister of Agriculture and Forestry as necessary for the protection of fishery resources and for fisheries adjustment.

PERMISSION TO ENGAGE IN FISHERIES, ETC.

*Article 6*

Foreigners shall not engage in fisheries or in the catching and taking of marine animals and plants within the fishing zone (The areas prescribed in each of the subparagraphs in the preceding article are excluded therefrom. The same shall apply in the next article and in art. 9, para. 1.), without obtaining permission from the Minister of Agriculture and Forestry as prescribed by Ministry of Agriculture and Forestry Ordinance, except in so far as the case falls under one of the following subparagraphs:

(1) Where the fisheries or the catching and taking of marine animals and plants pertain to highly migratory species prescribed by Cabinet Order;<sup>2</sup>

(2) Where the catching and taking of marine animals and plants is conducted with the approval provided for in article 9, paragraph 1;

(3) Where the catching and taking of marine animals and plants is of insignificant nature as prescribed by the Ministry of Agriculture and Forestry Ordinance referred in the proviso of the preceding article.

2. Where the Minister of Agriculture and Forestry grants the permission provided for in the preceding paragraph, the Minister shall issue a permit to the foreigner concerned, as prescribed by Ministry of Agriculture and Forestry Ordinance.

3. The foreigner, having obtained the permission provided for in paragraph 1, shall display a prominent sign to that effect on the vessel pertaining to the fisheries or the catching and taking of marine animals

<sup>1</sup> *Ibid.*

<sup>2</sup> *Infra (b).*

and plants in which he engages and shall keep the permit provided for in the preceding paragraph on the vessel, as prescribed by Ministry of Agriculture and Forestry Ordinance.

CRITERIA FOR PERMISSION, ETC.

*Article 7*

When an application for the permission provided for in the first paragraph of the preceding article is made, the Minister of Agriculture and Forestry shall not grant the permission of the aforesaid paragraph unless it is considered certain that the fisheries or the catching and taking of marine animals and plants pertaining to the application will be conducted properly in accordance with an international agreement or other arrangements, that such activities will not exceed the limit of catch laid down by the Minister of Agriculture and Forestry for each of the classifications prescribed by Ministry of Agriculture and Forestry Ordinance for the fisheries or the catching and taking of marine animals and plants in which foreigners engage within the fishing zone, and that such activities will be in conformity with other criteria prescribed by Cabinet Order.<sup>1</sup>

2. Decisions on the limit of catch pursuant to the provisions of the preceding paragraph shall be made, as prescribed by Cabinet Order, on the basis of fishery resources trends supported by scientific evidence and of the actual situation with respect to fishing by Japanese fishermen within the fishing zone, and with over-all consideration of factors such as the actual situation with respect to fishing by foreigners within the fishing zone and the situation with respect to Japanese fisheries in the waters adjacent to a foreign country.

FISHING FEES

*Article 8*

Where a foreigner is granted a permit pursuant to the provisions of article 6, paragraph 2, he shall pay to the State fishing fees the amount of which shall be prescribed by Cabinet Order.

2. Where a special reason justifies it, the fishing fees provided for in the preceding paragraph may be reduced or remitted, as prescribed by Cabinet Order.

3. In addition to what is prescribed in the preceding two paragraphs, other necessary matters relating to fishing fees shall be prescribed by Cabinet Order.

APPROVAL RELATING TO THE CATCHING AND TAKING OF MARINE ANIMALS AND PLANTS FOR THE PURPOSES OF EXPERIMENT, RESEARCH, ETC.

*Article 9*

A foreigner who wishes to engage in the catching and taking of marine animals and plants within the fishing zone for the purposes of experiment

<sup>1</sup> *Infra* (b).

or research, or for other purposes prescribed by Ministry of Agriculture and Forestry Ordinance, shall obtain approval from the Minister of Agriculture and Forestry as prescribed by Ministry of Agriculture and Forestry Ordinance, except in so far as the catching and taking of marine animals and plants pertains to highly migratory species prescribed by the Cabinet Order referred to in article 6, paragraph 1, subparagraph 1, or is of insignificant nature as prescribed by the Ministry of Agriculture and Forestry Ordinance referred to in the proviso of article 5.

2. A foreigner who applies for the approval provided for in the preceding paragraph shall, as prescribed by Cabinet Order, pay to the State fees the amount of which shall be prescribed by Cabinet Order.

3. The provisions of paragraph 2 and paragraph 3 of article 6 shall apply *mutatis mutandis* to the approval provided for in paragraph 1, and the provisions of paragraph 2 of the preceding article shall apply *mutatis mutandis* to the fees provided for in the preceding paragraph.

#### CONDITIONS AND RESTRICTIONS

##### *Article 10*

The permission provided for in article 6, paragraph 1, or the approval provided for in paragraph 1 of the preceding article may be made subject to conditions or restrictions, which may be subsequently altered.

#### REVOCATION, ETC., OF PERMISSION AND APPROVAL

##### *Article 11*

Where a foreigner who has obtained the permission provided for in article 6, paragraph 1, contravenes laws and regulations, or conditions or restrictions provided for in the preceding article, the Minister of Agriculture and Forestry may order the suspension of fisheries or of the catching and taking of marine animals and plants for a fixed period of time or may revoke the permission provided for in the aforesaid paragraph.

2. Where a foreigner who has obtained the approval provided for in article 9, paragraph 1, contravenes laws and regulations, or conditions or restrictions provided for in the preceding article, the Minister of Agriculture and Forestry may revoke the approval provided for in the aforesaid paragraph.

#### CONSERVATION AND MANAGEMENT OF ANADROMOUS SPECIES

##### *Article 12*

From the standpoint that in areas of the sea beyond the fishing zone also (excluding the internal waters, the territorial sea and the areas of the sea equivalent to the fishing zone of a foreign country) Japan has jurisdiction over the anadromous species which spawn in fresh waters of Japan, Japan shall endeavour to achieve, through international co-operation, proper conservation and management of anadromous species in the aforesaid areas of the sea.

## DELEGATION OF POWERS TO CABINET ORDERS, ETC.

*Article 13*

Where Cabinet Orders or Ministry of Agriculture and Forestry Ordinances are enacted, amended or abrogated in accordance with the provisions of this Law, such Orders or Ordinances may prescribe necessary transitional measures (including transitional measures relating to penal provisions), in so far as they are considered reasonably necessary for such enactment, amendment or abrogation.

*Article 14*

Exemption from the provisions of articles 5 to 11 may be granted by a Cabinet Order<sup>1</sup> to the foreigner and for the areas of the sea designated by that Order with respect to one or more of the aforesaid provisions.

*Article 15*

Unless otherwise provided for in this Law, procedures necessary for the implementation of articles 23 to 25 and other matters necessary therefor shall be prescribed by Ordinance of the competent Ministry.

## EFFECT OF TREATIES

*Article 16*

Where a treaty provides otherwise for matters provided for in this Law, the provisions of the treaty shall apply.

## PENAL PROVISIONS

*Article 17*

A person who falls under one of the following subparagraphs shall be liable to a fine not exceeding 10 million yen.

(1) A person who has contravened the provisions of article 5 or of article 6, paragraph 1;

(2) A person who has contravened conditions and restrictions to which the permission provided for in article 6, paragraph 1, is made subject pursuant to the provisions of article 10, including those altered pursuant to the provisions of article 10;

(3) A person who has contravened an order issued pursuant to the provisions of article 11, paragraph 1.

*Article 18*

A person who has contravened the conditions and restrictions to which the approval provided for in article 9, paragraph 1, is made subject pursuant to the provisions of article 10, including those altered pursuant to the provisions of article 10, shall be liable to a fine not exceeding 500,000 yen.

*Article 19*

In cases which fall under the two preceding articles, any catch and its products, any vessel or any fishing gear or other objects which may be

<sup>1</sup> *Infra* (b).



used for fisheries or for the catching and taking of marine animals and plants owned or possessed by the offender may be forfeited. Provided that, where the forfeiture of the whole or part of the aforesaid objects owned by the offender is impracticable, the monetary value thereof may be forfeited.

*Article 20*

A person who has contravened the provisions of article 6, paragraph 3 (including cases where the paragraph shall apply *mutatis mutandis* under art. 9, para. 3), shall be liable to a fine not exceeding 200,000 yen.

*Article 21*

Where a representative of a juridical person or an agent, employee or other worker of a juridical person or of a person has acted, with respect to the business activities or properties of the juridical person or the person, in contravention of article 17, article 18 or the preceding article, not only shall such offender be liable, but the juridical person or the person shall also be liable to the penalty provided for in whichever article is relevant.

EXCEPTION RELATING TO THE JURISDICTION OF THE FIRST INSTANCE

*Article 22*

The jurisdiction of the first instance with respect to legal proceedings pertaining to offences under the provisions of this Law shall also be conferred upon District Courts.

RELEASE, ETC., UPON THE POSTING OF BOND, ETC.

*Article 23*

When seizure (The term "seizure" means the seizure of a vessel or the arrest of a master or any other crew. The same shall apply hereinafter.) is effected in connexion with a case involving an offence under the provisions of this Law or other offences prescribed by Cabinet Order (hereinafter referred to as "the case"), any officer designated by Cabinet Order from among the judicial police officers (hereinafter referred to as "the enforcement officer") shall, without delay, notify the master of the vessel pertaining to the aforesaid seizure (including any person performing the duties of master) and the offender of the following matters, except in so far as the case pertains to the fisheries or the catching and taking of marine animals and plants engaged in by foreigners prescribed by Cabinet Order.

(1) The offender shall be released and the vessel and any other articles seized (hereinafter referred to as "articles seized") shall be returned, without delay, upon the posting of bond or a document guaranteeing the posting thereof with the competent Minister as prescribed by the Cabinet Order referred to in para. 1 of the following article;

(2) The amount required to be posted as bond.

2. The amount of the bond provided for in subparagraph (2) of the preceding paragraph shall be determined by the enforcement officer in accordance with the criteria laid down by the competent Minister as

prescribed by Cabinet Order, taking into consideration the type, nature and other circumstances of the case.

*Article 24*

When the bond in the amount notified pursuant to the provisions of paragraph 1 of the preceding article or the document guaranteeing the posting thereof is posted with the competent Minister as prescribed by Cabinet Order, the competent Minister shall, without delay, notify the enforcement officer or public prosecutor to that effect.

2. Upon receiving notification pursuant to the provisions of the preceding paragraph, the enforcement officer shall, without delay, release the offender and return articles seized.

3. Upon receiving notification pursuant to the provisions of paragraph 1, the public prosecutor shall, without delay, take the steps necessary for the release of the offender and the return of articles seized.

*Article 25*

The bond shall be held in the custody of the competent Minister.

2. Where, in the proceedings relating to the case, the offender fails to appear at the place required on the date required, or the articles seized, which were returned but which the person (party) concerned has been required to produce, are not produced at the place required on the date required, the bond shall accrue to the National Treasury on the day one month from the day following the aforesaid date, except where communication is made within one month of the day following the aforesaid date to the effect that appearance will be made or the aforesaid articles will be produced on a specified day within three months of the day following the aforesaid date.

3. Where, in cases prescribed by the proviso of the preceding paragraph, the offender fails to appear or the aforesaid articles are not produced on the specified day pertaining to the aforesaid communication, the bond shall accrue to the National Treasury on the day following that day.

4. Where circumstances arise in which custody of the bond is no longer necessary, as in the case of conclusion of the proceedings relating to the case, the bond shall be returned.

THE COMPETENT MINISTER, ETC.

*Article 26*

The competent Minister referred to in the preceding three articles and the competent Ministry referred to in article 15 shall be prescribed by Cabinet Order.

SUPPLEMENTARY PROVISIONS

.....

PARTIAL AMENDMENT OF THE LAW ON REGULATION OF FISHERIES  
OF FOREIGNERS

2. The Law on Regulation of Fisheries of Foreigners (Law No. 60 of 1967)<sup>1</sup> shall be partially amended as follows:

The heading of article 3 shall be amended to read "Prohibition of fisheries, etc.", and in the same article the words "shall not engage in fisheries" shall be amended to read "shall not engage in fisheries or in the catching and taking of marine animals and plants (Other than that which falls under "fisheries". The same shall apply hereinafter.) except in so far as such catching and taking of marine animals and plants is of insignificant nature as prescribed by Ministry of Agriculture and Forestry Ordinance".

Subparagraph 2 of the same article shall be amended to read as follows:

(2) Foreign countries, public organizations of a foreign country or similar organizations, or juridical persons and other organizations established under foreign laws.

The following article shall follow article 6:

TRANSITIONAL MEASURES

*Article 6-2*

Where Cabinet Orders or Ministry of Agriculture and Forestry Ordinances are enacted, amended or abrogated in accordance with the provisions of this Law, such Orders or Ordinances may prescribe necessary transitional measures (including transitional measures relating to penal provisions), in so far as they are considered reasonably necessary for such enactment, amendment or abrogation.

The words "or the catching and taking of marine animals and plants" shall follow the words "fisheries" in article 9, paragraph 2.

(b) ENFORCEMENT ORDER OF 17 JUNE 1977 OF LAW NO. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977<sup>2</sup>

*Article 1*

The areas of the sea prescribed by Cabinet Order provided for in article 3, paragraph 3, of the Law on Provisional Measures relating to the Fishing Zone (hereinafter referred to as "the Law") shall be those areas of the sea to the west of the line formed by the lines enumerated hereunder (excluding areas of the sea which are fishery zones of Japan) in accordance with the provisions of the Cabinet Order relating to the Establishment of

<sup>1</sup> Reproduced partially in ST/LEG/SER.B/16, p. 304, with a slightly different wording from the one used in this partial amendment.

<sup>2</sup> Cabinet Order No. 212 of 17 June 1977, issued in accordance with the provisions of art. 3, para. 3, of the Law on Provisional Measures relating to the Fishing Zone, as amended by Cabinet Order No. 313 of 29 November 1977. Pursuant to its supplementary provisions the original Cabinet Order entered into force on 1 July 1977. Unofficial English texts provided by the Permanent Representative of Japan to the United Nations in notes verbales dated 24 August 1977 and 5 January 1978.

Fishery Zones provided for in art. 1, para. 1, of the Agreement on Fisheries between Japan and the Republic of Korea (Cabinet Order No. 373 of 1965).

(1) The line 135° East Longitude (but limited to that part north of its point of intersection in the Sea of Japan (referred to as "point A" in the next subparagraph) with the line every point of which is 12 nautical miles from the nearest point on the baseline of Japan (hereinafter referred to as "the twelve-nautical mile line")).

(2) The twelve-nautical mile line extending from point A and passing north of Mishima Island to the first point (referred to as "point B" in the next subparagraph) at which the line drawn from the southernmost point of Yokoatejima Island (28° 47' 15" North Latitude, 128° 59' 40" East Longitude) to the Sotsukozaki Lighthouse (28° 15' 3" North Latitude, 129° 8' 20" East Longitude) intersects with the twelve-nautical mile line.

(3) The line drawn from the southernmost point of Yokoatejima Island to the Sotsukozaki Lighthouse (but limited to that part from point B to the other point (referred to as "point C" in the next subparagraph) at which it intersects with the twelve-nautical mile line).

(4) The twelve-nautical mile line extending from point C and passing north of Okinawajima Island to the first point (referred to as "point D" in the next subparagraph) at which the line drawn from the Nishimezaki Lighthouse (26° 21' 40" North Latitude, 126° 42' 40" East Longitude) to the Fudeiwa Lighthouse (24° 58' 40" North Latitude, 125° 21' 36" East Longitude) intersects with the twelve-nautical mile line.

(5) The line drawn from the Nishimezaki Lighthouse to the Fudeiwa Lighthouse (but limited to that part from point D to the other point (referred to as "point E" in the next subparagraph) at which it intersects with the twelve-nautical mile line).

(6) The twelve-nautical mile line extending from point E and passing north of Ishigakijima Island to the first point (referred to as "point F" in the next subparagraph) at which the line drawn from the Funauke Harbor Lighthouse (24° 20' 39" North Latitude, 123° 42' 12" East Longitude) to the Agarisaki Lighthouse (24° 27' 24" North Latitude, 123° 2' 31" East Longitude) intersects with the twelve-nautical mile line.

(7) The line drawn from the Funauke Harbor Lighthouse to the Agarisaki Lighthouse (but limited to that part from point F to the other point (referred to as "point G" in the next subparagraph) at which it intersects with the twelve-nautical mile line).

(8) The twelve-nautical mile line extending from point G and passing north of Yonakunijima Island to the point 24° 17' 15" North Latitude, 122° 47' 42" East Longitude.

(9) The line drawn at an angle of 131 degrees from the point 24° 17' 15" North Latitude, 122° 47' 42" East Longitude.

#### APPLICATION OF LAWS AND REGULATIONS WITHIN THE FISHING ZONE

##### *Article 2*

The laws and regulations of Japan other than the following laws (including Orders enacted thereunder) shall apply with respect to the fisheries

and the catching and taking of marine animals and plants in which foreigners engage within the fishing zone.

(1) The Law to Control Hunting of Sea Otters and Fur Seals (Law No. 21 of 1912).

(2) The Fisheries Law (Law No. 267 of 1949) (excluding art. 74, and those parts of art. 141 and art. 145 which refer to art. 74).

(3) The Fishery Resources Conservation Law (Law No. 313 of 1951).

2. With respect to the application of the provisions of article 74 of the Law on Regulation of Fisheries of Foreigners, in paragraph 1 of that article, the words "the competent Minister or Prefectural Governor" shall be modified to read "the competent Minister", and the words "fisheries inspector or fisheries inspection official" shall be modified to read "fisheries inspector".

#### HIGHLY MIGRATORY SPECIES PRESCRIBED BY CABINET ORDER

##### Article 3

The highly migratory species prescribed by Cabinet Order provided for in article 6, paragraph 1, subparagraph 1, of the Law shall be the following:

(1) skipjack (*Katsuwonus pelamis*), black skipjack (*Euthynnus affinis yaito*), frigate mackerel (*Auxis thazard*) and bullet mackerel (*Auxis tapeinosoma*);

(2) albacore (*Thunnus alalunga*), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), bigeye tuna (*Thunnus obesus*), and longtail tuna (*Thunnus tonggol*);

(3) broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira mazara*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*).

#### CRITERIA FOR PERMISSION

##### Article 4

The criteria prescribed by Cabinet Order provided for in article 7, paragraph 1, of the Law shall be that the foreigner making an application belongs shall not be a country which fails to give due consideration to fishing by Japanese fishermen in the waters adjacent to that foreign country.

#### HEARING OF OPINIONS

##### Article 5

In laying down the limits of catch provided for in article 7, paragraph 1, of the Law, the Minister of Agriculture and Forestry shall hear the opinion of persons of learning and experience, fishermen, and other parties concerned, with respect to factors such as fishery resources trends and the actual situation with respect to fishing within the fishing zone (excluding the areas of the sea designated in each of the subparagraphs of art. 5 of the Law; the same shall apply hereinafter), and the situation with respect to Japanese fishing in the waters adjacent to a foreign country.

## EXCEPTIONS WITH REGARD TO APPLICATION

*Article 6*

The provisions of the Law shown in the top section of the following schedule shall not apply with respect to the fisheries or the catching and taking of marine animals and plants in which the foreigners as set forth in the middle section of the schedule engage in the areas of the sea as set forth in the bottom section of the schedule.

<i>Article 5</i>	<i>Articles 6 to 11</i>	
Nationals of the Republic of Korea (including the Republic of Korea, its public organizations or similar organizations, or juridical persons and other organizations established under its laws and regulations; the same shall apply hereinafter)	Nationals of the Republic of Korea	Nationals of the People's Republic of China (including the People's Republic of China, its public organizations or similar organizations, or juridical persons and other organizations established under its laws and regulations)
Areas of the sea which are fishery zones of Japan established in accordance with the provisions of the Cabinet Order relating to the Establishment of Fishery Zones provided for in article 1, paragraph 1, of the Agreement on Fisheries between Japan and the Republic of Korea	The fishing zone	The fishing zone

....

OFFENCES PRESCRIBED BY CABINET ORDER PROVIDED FOR IN ARTICLE 23, PARAGRAPH 1, OF THE LAW

*Article 7*

The offences prescribed by Cabinet Order provided for in article 23, paragraph 1, of the Law shall be offences under the provisions of the Law and offences under articles 141 and 145 of the Fisheries Law (but only those parts of arts. 141 and 145 which refer to art. 74 of the same law) applied in accordance with the provisions of article 4 of the Law,

## ENFORCEMENT OFFICER

*Article 8*

An officer designated by Cabinet Order provided for in article 23, paragraph 1, of the Law shall be a fisheries inspector or maritime safety officer.

## CRITERIA FOR THE AMOUNT OF THE BOND

*Article 9*

The criteria provided for in article 23, paragraph 2, of the Law shall be laid down, taking into consideration the type of offence, the penalty prescribed for that offence, the degree and frequency of the offence, etc.

## POSTING OF BOND, ETC.

*Article 10*

Bond (other than that which is posted pursuant to the provisions stated in a document guaranteeing the posting of bond [hereinafter referred to as "the written guarantee"]. The same shall apply in subpara. (1).) or the written guarantee shall be posted pursuant to the following provisions.

(1) In the case of the bond, it shall be posted in Japanese currency by the offender or the master of the vessel pertaining to the seizure or any other party recognized by the competent Minister as a party appropriate to post a bond within 10 days of the day following that on which the notification prescribed in article 23, paragraph 1, of the Law is made (or, where the enforcement officer, recognizing that unavoidable circumstances exist, has extended the period concerned to within 20 days of the day following that on which the aforesaid notification is made, within that extended period).

(2) In the case of the written guarantee, it shall be in conformity with the following requirements and be posted within the period prescribed in the preceding subparagraph (1).

(a) The aforesaid written guarantee shall be that which guarantees the posting of bond in Japanese currency within one month of the day following the day on which the aforesaid written guarantee is posted, and is such that it is considered that the bond will be posted with certainty pursuant to the provisions stated therein.

(b) The person (party) who posts the bond pertaining to the aforesaid written guarantee shall correspond to the person (party) prescribed in the preceding subparagraph (1).

2. Where the last day of the period provided for in subparagraph (1) and subparagraph (2) (a) of the preceding paragraph falls on Sunday, a holiday provided for in the National Holiday Law (Law No. 178 of 1948), or the 2nd or 3rd of January, that day shall not be included in the aforesaid period.

## THE COMPETENT MINISTER AND ORDINANCE OF THE COMPETENT MINISTRY

*Article 11*

1. The competent Minister referred to in article 23, paragraph 1, article 24, paragraph 1, and article 25, paragraph 1, of the Law, and in paragraph 1 of the preceding article shall be the Minister of Agriculture and Forestry with respect to the case pertaining to the fisheries inspector, and the Minister of Transport with respect to the case pertaining to the maritime safety officer, and the competent Minister referred to in article 23, paragraph 2, of the Law shall be the Minister of Agriculture and Forestry and the Minister of Transport.

2. The Ordinance of the competent Ministry referred to in article 15 of the Law shall be the Ordinance of the Ministry of Agriculture and Forestry and the Ministry of Transport.

**21. KENYA**

PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF KENYA  
OF 28 FEBRUARY 1979<sup>1</sup>

*Whereas* the Law of Nations is in the process of development by the Third United Nations Conference on the Law of the Sea, to recognize the right of a coastal state to establish beyond and adjacent to its territorial sea an area commonly referred to as an Exclusive Economic Zone, and to exercise thereon sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources whether renewable or non-renewable, of the water column, sea-bed and subsoil.

*And whereas*, it is already recognized by the said Law of the Sea Conference that the extent of the area referred to as the Exclusive Economic Zone, aforesaid, shall not exceed two hundred nautical miles measured from the same base line as the territorial sea.

*And whereas*, it is necessary that a declaration be made establishing the extent of the said Exclusive Economic Zone of the Republic of Kenya.

*Now therefore*, I, Daniel Arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, do hereby declare and proclaim in accordance with the Constitution of the Republic of Kenya:

1. That notwithstanding any rule of law or any practice which may hitherto have been observed in relation to Kenya or the waters beyond or adjacent to the territorial Sea of Kenya, the Exclusive Economic Zone of the Republic of Kenya extend across the sea to a distance of two hundred nautical miles measured from the appropriate base line from where the territorial sea is measured as indicated in the Map annexed to this Proclamation. Without prejudice to the foregoing, the Exclusive Economic Zone of Kenya shall:

<sup>1</sup> English text provided by the Minister of Foreign Affairs of the Republic of Kenya in a letter of 5 March 1979.



(a) in respect of its southern territorial waters boundary with the United Republic of Tanzania be an eastern latitude north of Pemba island to start at a point obtained by the northern intersection of two arcs one from the Kenya Lighthouse at Mpunguti ya Juu, and the other from Pemba island Lighthouse at Ras Kigomasha.

(b) in respect of its northern territorial waters boundary with Somali Republic be on eastern latitude South of Diua Damasciaca Island being latitude 1° 38' South.

2. That this Proclamation shall not affect or be in derogation of the vested rights of the Republic of Kenya over the Continental Shelf as defined in the Continental Shelf Act 1973.

3. All States shall, subject to the applicable laws and regulations of Kenya, enjoy in the Exclusive Economic Zone the freedom of navigation and overflight and of the laying of sub-marine cables and pipelines and other internationally lawful recognized uses of the sea related to navigation and communication.

4. That the scope and régime of the Exclusive Economic Zone shall be as defined in the schedule attached to this Proclamation.

#### SCHEDULE

##### *The scope and régime of Exclusive Economic Zone*

1. In and throughout the zone Kenya exercises the following:

(a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable of the water column, the sea-bed, and the subsoil thereof.

(b) Sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water currents and winds.

(c) (i) Jurisdiction with respect to regulation control and preservation of marine environment including pollution control and abatement.

(ii) Exclusive jurisdiction with respect to authorization and control of scientific research.

(iii) Exclusive jurisdiction with respect to the establishment and use of artificial islands, installations, structures and other devices including customs, fiscal, health, public order and immigration regulations pertaining thereto.

(iv) Other rights and duties compatible with international conventions or protocols to which Kenya is or may become party.

2. Kenya may permit other States or Nationals of such states to fish in the zone on such terms and conditions and subject to compliance with such regulations as it may prescribe. In particular and without prejudice to the generality of the foregoing these may *inter alia* relate to the following:

(a) Licensing of fishermen, fishing vessels and gear including payment of fees and other forms of remuneration.

(b) Conservation measures to preserve and manage the exploitation of fisheries resources including measures relating to and determining the species which may be caught and fixing quotas per vessel over a period of time or to the catch by nationals of any State during a specified period.

(c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used in the zone.

(d) Fixing the age and size of fish and other species that may be caught.

(e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports.

(f) Requiring, under the authorization and control of Kenya, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples, and reporting of associated scientific data.

(g) The placing of Kenyan observers or trainees on board such vessels.

(h) The landing of all or any part of the catch by such vessels in the ports of Kenya.

(i) Terms and conditions relating to joint ventures or other co-operative arrangements.

(j) Requirements for training personnel and transfer of fisheries technology including enhancement of Kenya's capability of undertaking fisheries research, management and development of the living resources of the zone.

(k) Measures for the enforcement of Law and regulations in accordance with this Proclamation.

## 22. MALDIVES

(a) LAW NO. 30/76 OF 5 DECEMBER 1976, RELATING TO THE EXCLUSIVE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES<sup>1</sup>

1. The area, including the sea as well as the sea-bed and the subsoil thereof, situated within the line joining the points of which the co-ordinates

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<sup>1</sup> Came into effect 5 December 1976. English text provided by the Permanent Representative of the Republic of Maldives to the United Nations in a letter dated 29 July 1977. This law supersedes Act No. 5/69 Javiyani of 1969, as amended by Act No. 52/70 Javiyani of 30 December 1970, partially reproduced in ST/LEG/SER.B/16, p. 308.

are given below, shall constitute the Exclusive Economic Zone of the Republic of Maldives.

(1) .....	7° 57' 27" N	69° 35' 45" E
(2) .....	7° 57' 27" N	69° 11' 48" E
(3) .....	4° 02' 20" S	69° 11' 48" E
(4) .....	4° 02' 20" S	77° 05' 42" E
(5) .....	3° 27' 15" N	77° 05' 42" E
(6) .....	4° 47' 04" N	77° 01' 40" E
(7) .....	4° 52' 15" N	76° 56' 48" E
(8) .....	5° 05' 35" N	76° 43' 15" E
(9) .....	5° 13' 56" N	76° 36' 48" E
(10) .....	6° 28' 14" N	75° 41' 34" E
(11) .....	6° 33' 21" N	75° 38' 31" E
(12) .....	6° 51' 06" N	75° 25' 46" E
(13) .....	7° 15' 27" N	75° 16' 19" E
(14) .....	7° 24' 00" N	75° 12' 06" E
(15) .....	7° 25' 19" N	75° 11' 18" E
(16) .....	7° 51' 30" N	74° 56' 09" E
(17) .....	7° 48' 30" N	74° 29' 45" E
(18) .....	7° 41' 50" N	73° 38' 34" E
(19) .....	7° 39' 02" N	73° 19' 38" E
(20) .....	7° 40' 52" N	73° 03' 23" E
(21) .....	7° 42' 19" N	72° 49' 30" E
(22) .....	7° 42' 54" N	72° 42' 26" E
(23) .....	7° 49' 05" N	72° 03' 45" E
(24) .....	8° 05' 38" N	70° 15' 08" E
(25) .....	7° 57' 27" N	69° 35' 45" E

2. The Republic of Maldives shall have the sovereign rights and exclusive jurisdiction over its Economic Zone for the purpose of exploitation, conservation and management of the natural resources therein, both living and non-living, or for any other economic purpose. Thus the use and exploitation of the products or natural resources found in the said Zone for any economic purpose, or the conduct of scientific researches, or the construction, maintenance or operation of artificial structures and devices for any purpose within the said Zone shall not be executed by non-Maldivians without assent of the Government of the Republic of Maldives.

3. Any person or persons contravening the sovereign rights of the Republic of Maldives over its Economic Zone shall be liable to prosecution and conviction in accordance with Laws and Regulations of the Republic of Maldives.

(b) [LAW NO. 32/76 OF 5 DECEMBER 1976, RELATING TO THE NAVIGATION AND PASSAGE BY FOREIGN SHIPS AND AIRCRAFTS THROUGH THE AIRSPACE, TERRITORIAL WATERS, AND THE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES, Sections 1 and 4]<sup>1</sup>

<sup>1</sup> *Supra*, division I, subdivision A, chap. II, 13.

## 23. MEXICO

(a) FEDERAL ACT OF 10 MAY 1972 ON FISHERIES DEVELOPMENT,<sup>1</sup> AS AMENDED IN 1976<sup>2</sup>

*Sole article.* Article 37 of the Federal Act on Fisheries Development is hereby amended to read as follows:

*Article 37.* Foreign vessels are prohibited from engaging in commercial fishing in the territorial waters and in the waters of the exclusive economic zone.<sup>3</sup>

In exceptional cases, the Federal Executive, through the secretariat of Industry and Commerce, may grant foreign vessels fishing permits for individual voyages, when the total allowable catch of a species is greater than the fishing capacity of Mexican vessels.

Those wishing to obtain permits must submit to the secretariat of Industry and Commerce an application specifying net registered tonnage, the type of vessel and the gear involved, produce their National Fishery Registration Certificate, and undertake the following:

- I. Not to unload the catch in Mexican territory;
- II. To leave the waters of the zone within the established time-limit;
- III. Not to engage in fishing for or commercial hunting of marine mammals or of species reserved for fishing co-operatives or of those reserved for sport fishing as established in articles 40 and 10 of this Act;
- IV. To make available to Mexican nationals, without payment of remuneration or performance of services in return, the technology used in the fishing operations and in the industrial processing of the species caught under these authorizations;
- V. To make a cash deposit to guarantee compliance with the above-mentioned obligations;
- VI. Applicants for permits to fish within the territorial waters must also comply with the following provisions:

- (a) At least 50 per cent of the crew must be of Mexican nationality.
- (b) The Mexican crew must be hired in Mexican territory, at the same wages and with the same benefits as the foreign crew whenever such wages and benefits are superior to Mexican wages and benefits.
- (c) The applicant must undertake not to engage in commercial fishing for sardines and anchoveta.
- (d) The applicant must undertake not to catch live sardines for bait within the zone where it is prohibited by the secretariat of Industry and Commerce.

<sup>1</sup> Reproduced in ST/LEG/SER.B/18, pp. 337-344.

<sup>2</sup> By decree of 10 February 1976. *Diario Oficial* of 13 February 1976, pp. 3, 4. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

<sup>3</sup> *Infra*, 23 (b), (c) and (d).

(e) The applicant must undertake not to engage in commercial fishing in zones that are reserved under the terms of this Act.

The secretariat of Industry and Commerce shall take all necessary decisions in accordance with the national interest. If its decision is favourable, the applicant must pay such taxes and duties as may be established by the fiscal regulations in force.

In granting special permits, the secretariat of Industry and Commerce shall give preference to foreign vessels of countries that grant similar conditions on a basis of reciprocity, to Mexican vessels; such vessels may be exempted from one or more of the requirements and conditions set forth above, if such exemption is in the national interest.

#### TRANSITIONAL PROVISION

*Sole article.* This Act shall enter into force simultaneously with the addition of paragraph 8 to article 27 of the Constitution.

(b) DECREE OF 26 JANUARY 1976 ADDING A NEW PARAGRAPH 8 TO ARTICLE 27 OF THE CONSTITUTION OF THE UNITED MEXICAN STATES,<sup>1</sup> TO PROVIDE FOR EXCLUSIVE ECONOMIC ZONE BEYOND THE TERRITORIAL SEA

*Sole article.* The following paragraph shall be added after the seventh paragraph of article 27 of the Political Constitution of the United Mexican States:

“Article 27 . . .

“The Nation exercises in an exclusive economic zone beyond and adjacent to the territorial sea, sovereign rights and jurisdictions as determined by laws adopted by Congress. The exclusive economic zone shall extend to a distance of 200 nautical miles from the baseline from which the territorial sea is measured. In those cases in which such extension causes overlapping with the exclusive economic zones of other States, the delimitation of the zones will be determined, as appropriate, by agreement with those States.”

#### TRANSITIONAL PROVISION

*Sole article.* This Decree shall enter into force 120 days after its publication in the *Diario Oficial* of the Federation.

(c) ACT OF 10 FEBRUARY 1976<sup>2</sup> REGULATING THE PROVISIONS OF PARAGRAPH 8 OF ARTICLE 27 OF THE POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES CONCERNING THE EXCLUSIVE ECONOMIC ZONE<sup>3</sup>

*Article 1.* The Nation exercises in an exclusive economic zone beyond and adjacent to the territorial sea the sovereign rights and jurisdiction determined by this Act.

<sup>1</sup> *Diario Oficial* of 6 February 1976, p. 2. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> *Diario Oficial* of 13 February 1976. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

<sup>3</sup> *Supra* (b).

*Article 2.* The outer limits of the exclusive economic zone shall be a line the points of which shall all be at a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In those cases in which such extension causes overlapping with the exclusive economic zones of other States, the delimitation of the zones will be determined, as appropriate, by agreement with those States.

*Article 3.* The islands which are part of the national territory, except those which cannot be kept inhabited or which do not have an economic life of their own, shall also have an exclusive economic zone the limits of which shall be fixed in accordance with the provisions of the preceding article.

*Article 4.* In the exclusive economic zone, the Nation has:

I. Sovereign rights for purposes of exploration and exploitation, conservation and management of the natural resources, both renewable and non-renewable, of the sea-bed, including the subsoil and the superjacent waters;

II. Exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, installations and structures;

III. Exclusive jurisdiction with respect to other activities pertaining to the exploration and economic exploitation of the zone.

IV. Jurisdiction with respect to:

(a) The preservation of the marine environment, including pollution control and elimination.

(b) Scientific research.

*Article 5.* Foreign States shall enjoy in the exclusive economic zone freedoms with respect to navigation and overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea relating to navigation and communications.

*Article 6.* The Federal Executive Branch shall ensure through proper management and conservation measures that the living resources are not endangered by over-exploitation.

The Federal Executive shall determine the allowable catch of living resources in the exclusive economic zone.

*Article 7.* Without prejudice to the provisions of the preceding article, the Federal Executive shall promote the optimum utilization of the living resources of the exclusive economic zone.

*Article 8.* When the total allowable catch of a species is greater than the fishing and hunting capacity of Mexican vessels, the Federal Executive Branch shall allow foreign vessels access to the surplus of the allowable catch, in accordance with the national interest and under the conditions set forth in the Federal Fishery Promotion Act.

*Article 9.* The provisions of this Act do not modify the régime of the continental shelf.

## TRANSITIONAL PROVISIONS

*First.* In implementing this Act, the Federal Executive Branch shall, as necessary, observe those laws and regulations in force which are applicable to the subjects covered by article 4 of this Act, until such time as specific legal provisions are enacted for each subject.

*Second.* This Act shall enter into force simultaneously with the addition of paragraph 8 to article 27 of the Constitution, for the implementation of which this Act establishes regulations.

(d) DECREE OF 4 JUNE 1976 ESTABLISHING THE OUTER LIMIT OF THE EXCLUSIVE ECONOMIC ZONE OF MEXICO<sup>1</sup>

Luis Echeverria Alvarez, Constitutional President of the United Mexican States, exercising the powers bestowed upon me by section 1 of article 89 of the Constitution, and in keeping with the provisions of articles 2 and 3 of the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution, concerning the Exclusive Economic Zone and

*Considering*

That the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution, concerning the Exclusive Economic Zone, published in the *Diario Oficial* of 13 February 1976, states that the outer limit of that zone shall be a line the points of which shall all be at a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured and that in those cases in which such extension causes overlapping with the exclusive economic zones of other States, the delimitation of the zones will be determined, as appropriate, by agreement with those States.

That in accordance with article 18, section II, of the General Act on National Property, the breadth of the territorial sea is measured from the low-water line on the coasts and islands that are part of the national territory, but that it can also be measured, according to the provisions of the second paragraph of the aforementioned article, according to other criteria that are equally acceptable under international law.

That, for the above reason, it is necessary, in order for the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution to have the desired effect, that navigators and the public in general have an exact knowledge of the outer limit of the Exclusive Economic Zone.

That this requirement can only be met by publishing such general rules as may be necessary to determine, by means of geographical coordinates, the outer limit of the Exclusive Economic Zone of Mexico, I have deemed it advisable to issue the following

<sup>1</sup> *Diario Oficial* of 7 June 1976, pp. 3-6. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

DECREE ESTABLISHING THE OUTER LIMIT OF THE EXCLUSIVE  
ECONOMIC ZONE OF MEXICO

*Article 1.* The outer limit of the Exclusive Economic Zone of Mexico is made up of a series of arcs joining the points the geographical co-ordinates of which are as follows:

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
I. In the Pacific Ocean:					
32	35	22.11	117	27	49.43
32	35	21.	117	28	4.
32	35	32.	117	29	06.
32	37	37.	117	49	31.
32	17	22.	117	59	41.
32	01	52.	118	07	16.0
31	32	58.	118	19	46.
31	21	25.	118	25	10.
31	20	55.0	118	25	35.
31	07	58.0	118	36	18.
30	59	00.	118	45	02.
30	58	06.	119	34	12.
30	57	21.	120	04	19.
30	53	28.	120	22	12.
30	52	05.	120	28	24.
30	32	31.20	121	51	58.37
30	12	57.57	122	0	16.69
29	49	11.25	122	6	55.46
29	24	53.10	122	10	9.90
29	3	54.52	122	10	13.50
28	36	8.81	122	6	26.95
28	17	7.07	122	1	14.41
28	2	43.59	121	57	35.94
27	39	28.72	121	48	59.70
27	17	19.12	121	37	20.82
26	56	33.82	121	22	51.00
26	37	30.49	121	5	44.01
26	20	25.26	120	25	15.46
26	5	32.46	120	24	42.58
25	51	30.14	119	57	56.69
25	43	11.83	119	36	39.41
25	36	2.56	119	10	49.56
25	31	42.61	118	44	15.82
25	30	15.56	118	17	20.00
25	31	51.89	117	49	3.27
25	19	42.07	117	36	12.91
25	8	55.27	117	22	50.48
24	53	10.08	117	7	10.79
24	36	58.24	116	47	4.48
24	19	33.39	116	18	26.35
24	10	18.39	115	58	1.73
24	4	51.12	115	50	30.55



<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
23	58	49.43	115	41	20.19
23	44	22.69	115	37	54.18
23	21	4.64	115	29	43.99
22	58	51.22	115	18	36.46
22	38	1.64	115	4	42.56
22	18	53.81	114	48	15.37
22	1	64.05	114	29	29.84
21	46	46.95	114	8	42.59
21	36	27.37	113	50	36.86
21	38	15.57	113	58	9.07
21	41	58.95	114	20	15.47
21	43	30.58	114	46	25.00
21	41	58.95	115	12	34.53
21	37	25.51	115	38	19.12
21	29	54.63	116	3	14.32
21	19	33.45	116	26	56.60
21	6	31.80	116	49	3.85
20	51	1.98	117	9	15.71
20	33	18.54	117	27	13.91
20	13	38.02	117	42	42.58
19	52	18.65	117	55	28.44
19	29	40.04	118	5	20.93
19	6	2.86	118	12	12.33
18	41	48.51	118	15	57.78
18	17	18.78	118	16	35.25
17	58	12.50	118	14	53.39
17	40	26.03	118	11	47.35
17	20	8.74	118	6	6.48
17	0	31.92	117	58	16.66
16	38	46.91	117	46	33.19
16	18	33.10	117	32	13.03
16	0	8.02	117	15	29.30
15	43	47.58	116	56	37.02
15	29	45.88	116	35	52.81
15	18	14.95	116	13	34.74
15	9	24.68	115	50	2.08
15	3	22.62	115	25	35.00
15	0	13.94	115	0	34.37
15	0	13.94	114	31	45.63
15	2	53.84	114	9	27.60
15	4	43.83	113	59	7.74
15	10	4.68	113	38	12.72
15	18	54.95	113	11	39.98
15	30	25.87	112	52	21.84
15	40	44.82	112	36	37.60
15	39	13.50	112	23	32.69
15	31	55.44	112	4	24.57
15	25	29.14	111	40	1.48
15	21	55.56	111	15	1.82
15	21	17.74	110	49	46.84
15	23	36.22	110	24	37.99

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
15	28	49.03	109	59	56.64
15	36	51.71	109	36	3.84
15	47	37.40	109	13	19.99
16	0	56.87	108	52	4.67
16	16	38.70	108	32	36.32
16	34	29.38	108	15	12.06
16	54	13.54	108	0	7.40
17	17	34.21	107	46	36.57
17	4	30.82	107	34	39.55
16	47	52.62	107	15	57.94
16	37	5.11	107	0	58.31
16	28	2.78	106	48	19.82
16	15	26.58	106	26	33.64
16	6	25.72	106	6	1.88
15	57	5.00	105	56	44.62
15	41	3.56	105	37	35.35
15	27	22.70	105	16	36.67
15	16	14.16	104	54	6.81
15	7	56.35	104	30	54.45
15	3	36.69	104	20	2.15
14	58	32.24	104	4	18.99
14	54	4.21	103	52	36.35
14	48	1.58	103	31	55.01
14	46	15.75	103	23	47.41
14	44	23.22	103	20	35.25
14	40	28.52	103	13	26.04
14	31	55.07	103	1	33.44
14	20	56.23	102	43	10.42
14	11	51.61	102	23	44.50
14	4	33.34	102	2	40.09
14	0	32.34	101	53	1.57
13	54	46.85	101	36	5.41
13	51	42.93	101	24	23.99
13	45	56.56	101	14	15.26
13	36	51.60	100	54	52.43
13	29	46.65	100	34	39.07
13	25	7.27	100	15	35.64
13	16	14.26	99	57	22.47
13	9	23.52	99	39	5.65
13	0	17.98	99	23	8.03
12	50	16.25	99	0	19.82
12	43	0.16	98	36	28.63
12	38	43.84	98	12	57.57
12	31	48.56	97	54	9.29
12	27	26.27	97	38	0.79
12	22	6.70	97	17	27.84
12	19	36.48	97	2	35.85
12	17	36.09	96	44	34.56
12	17	23.43	96	19	38.86
12	20	2.53	95	55	23.40
12	22	7.61	95	39	32.06

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
12	25	51.89	95	22	7.52
12	32	0.83	95	2	27.54
12	28	33.78	94	58	35.88
12	25	13.49	94	55	26.72
11	58	07.07	94	26	02.83
14	22	55.60	92	22	09.60

II. In the Gulf of Mexico and the Caribbean Sea:

25	58	30.5	96	55	27.37
26	01	17.00	95	00	02.00
26	00	33.00	93	28	07.00
25	59	48.28	93	26	42.19
25	48	42.45	93	27	8.00
25	34	46.77	93	28	38.49
25	20	58.76	93	31	12.47
25	7	22.39	93	34	48.83
24	54	1.56	93	39	26.21
24	44	13.42	93	43	33.32
24	40	12.09	93	45	26.32
24	47	8.55	93	36	12.94
24	55	20.24	93	23	46.83
25	2	42.20	93	10	43.43
25	9	12.13	92	57	6.70
25	14	48.00	92	43	0.81
25	19	28.05	92	28	30.10
25	23	10.81	92	13	39.10
25	25	55.10	91	58	32.46
25	27	40.07	91	43	14.91
25	28	4.18	91	37	18.11
25	33	15.47	91	27	5.36
25	39	18.77	91	13	10.50
25	42	13.05	91	5	24.89
25	42	45.	91	01	27.
25	46	39.	90	32	21.
25	46	52.00	90	29	41.00
25	46	49.0	90	28	30.0
25	46	41.0	90	24	36.0
25	43	40.	89	12	45.
25	41	56.52	88	23	5.54
25	37	25.05	88	11	13.42
25	31	8.29	87	57	28.07
25	23	58.96	87	44	13.20
25	15	59.30	87	31	34.83
25	7	11.79	87	19	36.76
25	0	6.39	87	11	6.80
24	56	35.25	87	7	13.67
24	56	36.86	87	4	10.00
24	56	34.98	87	0	19.71
24	56	29.35	86	56	29.50
24	56	28.83	86	56	16.69

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
23	30	31.50	86	24	14.70
23	26	54.30	86	22	33.80
22	45	32.80	86	06	55.00
22	18	55.80	86	00	35.20
21	41	31.50	85	52	43.40
21	36	00.10	85	51	18.20
21	35	20.90	85	51	9.30
20	49	36.40	85	32	23.10
20	17	46.70	85	7	24.25
20	04	37.10	84	57	56.30
19	39	16.60	84	42	46.50
19	32	25.80	84	38	30.66
19	14	50.04	84	59	51.64
19	8	16.39	85	7	30.07
18	23	32.25	85	26	24.32
18	9	43.80	85	31	56.68
18	0	12.92	85	48	43.53
17	47	5.41	86	8	48.53
17	49	59.80	86	28	45.30
17	55	24.41	87	26	5.26
18	3	31.32	87	39	22.00

*Article 2.* The Secretariat of the Navy shall publish the charts showing the outer limit of the Exclusive Economic Zone, plotted according to the co-ordinates set forth in the preceding article.

#### TRANSITIONAL PROVISIONS

*First.* This Decree shall enter into force on 31 July 1976.

*Second.* The Secretariat of the Navy and the Secretariat of Industry and Commerce shall take all necessary steps, within their respective spheres of competence, to enforce the provisions of the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution as of the date on which this Decree enters into force.

#### 24. NEW ZEALAND

- (a) [TOKELAU (TERRITORIAL SEA AND FISHING ZONE) ACT, 1976, Sections 7 and 8]<sup>1</sup>
- (b) [TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT, 1977, Sections 2 and 9-33]<sup>2</sup>

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 23 (a).

<sup>2</sup> *Ibid.*, 23 (b).

## 25. NORWAY

(a) ACT No. 91 OF 17 DECEMBER 1976 RELATING TO THE ECONOMIC ZONE OF NORWAY<sup>1</sup>

### *Paragraph 1*

An economic zone shall be established in the seas adjacent to the coast of the Kingdom of Norway. The King shall determine the date for the establishment of the economic zone and the waters to which it shall apply.

The outer limit of the economic zone shall be drawn at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from the applicable baselines, but not beyond the median line in relation to other States.

The establishment of the economic zone shall not entail changes in the provisions regarding the territorial sea of Norway.

### *Paragraph 2*

The establishment of the economic zone shall not affect the right of navigation through or overflight over the waters in question, or the right to lay submarine cables and pipelines.

The establishment of the economic zone shall not affect the contents of, or the field of application of, the Act of 21 June 1963 No. 12<sup>2</sup> relating to the exploration for and exploitation of submarine natural resources, or of regulations issued pursuant thereto.

### *Paragraph 3*

Persons who are not Norwegian nationals, or placed on an equal footing with Norwegian nationals under the Act of 17 June 1966 No. 19 relating to Norway's fishery limit and prohibition against fishing etc. by aliens inside the fishery limit, may not engage in fishing or hunting within the Norwegian economic zone. The provisions of the said Act shall apply correspondingly in the economic zone.

The provisions in the first paragraph shall apply unless otherwise provided in regulations issued pursuant to paragraphs 4 or 6 of this Act.

### *Paragraph 4*

The King may issue regulations on fishing and hunting in the economic zone, including regulations concerning:

A. Total allowable catch and maximum catch effort, with regard to over-all fisheries as well as with regard to individual species and specific areas,

B. Access for fishermen from other States to fish allotted shares of the allowable catch, and the terms and conditions for such fishing,

C. Measures for assuring the rational and proper conduct of fishing activities, including provisions as to the number and size of vessels, use

<sup>1</sup> Entered into force on 17 December 1976 pursuant to paragraph 9. English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 27 December 1976.

<sup>2</sup> Reproduced in ST/LEG/SER.B/15, p. 393.

of gear, restrictions of gear, close periods, trawler-free zones and other area restrictions,

D. Other measures for the protection, conservation and reproduction of stocks of fish, shellfish and other living resources.

*Paragraph 5*

Prior to the implementation of the Norwegian economic zone, the King may, for areas referred to in paragraph 1, lay down interim provisions for the protection of fish stocks, for the limitation of foreign fishing and for the rational and proper conduct of fishing activities.

*Paragraph 6*

For the area of the economic zone between 12 and 200 nautical miles from the baselines, the King may, when necessary by reason of agreements with other States or where special considerations so require, make exceptions to the provisions of paragraphs 3, 4 and 5 or from regulations issued pursuant to these provisions. For areas where the Act of 17 June 1966 No. 19 relating to Norway's fishery limit and prohibition against fishing etc. by aliens inside the fishery limit has not been put into effect, such exceptions may also be applied to areas inside 12 nautical miles.

*Paragraph 7*

Subject to the rules of international law, the King may issue specific regulations in respect of the zone, including regulations concerning:

- A. The protection of the environment,
- B. Scientific research,
- C. Permanent or temporary artificial islands, installations, including artificial port facilities, and other structures,
- D. Cables and pipelines,
- E. The exploration and exploitation of the economic zone for other economic purposes, including the production of energy.

*Paragraph 8*

Anyone wilfully or negligently violating the provisions of this Act or regulations issued pursuant thereto, or aiding and abetting therein, shall be punished by fines. Attempted violations shall be similarly punished.

In the event of any violation of the provisions of this Act, or of regulations issued pursuant thereto, the vessel which has been used in such violation, together with the equipment, catch and gear on board, may be seized, irrespective of ownership. In lieu of the property, its value may be confiscated, in whole or in part, from the offender or from the person on whose behalf he has acted, or from the owner himself. It may be decided that any mortgage or other title or lien in the property seized shall be forfeited in whole or in part. The provisions of paragraph 37 C of the penal code shall apply correspondingly.

For an interim period, or pursuant to agreement with another State, the King may limit, in whole or in part, the application of the first and second paragraphs.

...

(b) ROYAL DECREE OF 17 DECEMBER 1976 RELATING TO THE ESTABLISHMENT OF THE ECONOMIC ZONE OF NORWAY<sup>1</sup>

(1) Pursuant to the Act of 17 December 1976 relating to the economic zone of Norway, the economic zone shall be established in the waters off the Norwegian mainland with effect from 1 January 1977. The outer limit for the economic zone shall be at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from and parallel to the established baselines. Where the economic zone is adjacent to the area of jurisdiction of another State, the limit shall be drawn according to agreement.

(2) Pursuant to the Act of 17 December 1976 relating to the economic zone of Norway, paragraph 4, subparagraph B, from 1 January 1977 and until further notice, access to fishing and hunting in Norway's economic zone, beyond a distance of 12 nautical miles from the established baselines and on the terms deriving from items (3) and (4) below, shall be accorded to fishermen from States which have entered into an agreement with Norway concerning such access to fishing and hunting, or which are engaged in negotiations with Norway with a view to arriving at such an agreement.

(3) Pursuant to paragraph 4 in the said Act, the Ministry of Fisheries shall be empowered to issue regulations on fishing and hunting in the economic zone, comprising provisions in respect of quotas and other catch limitations, including area limitations, for such foreign fishing operations as may take place according to item (2) above. The Ministry of Fisheries shall likewise be empowered, pursuant to paragraph 6 in the Act, to issue regulations on exceptions to provisions in paragraph 3 of the said Act, first paragraph, second sentence.

(4) With effect from 1 January 1977, foreign vessels engaged in fishing or hunting in Norway's economic zone, in accordance with the provisions in items (2) and (3) above, shall notify the Directorate of Fisheries in Bergen as to when such fishing is commenced and discontinued, and shall submit weekly reports on the amount of catch harvested of each separate species of fish and on the catch areas. In cases where quotas for the year 1977 have not yet been determined, the volume of catch taken shall be regarded as an advance to be deducted from such quotas as may be allocated at a later date.

(5) The provisions laid down above do not affect the provisions in the royal decree of 31 January 1975 on the introduction of certain no-trawling zones, cf. the Act on no-trawling zones of 17 January 1975.

<sup>1</sup> English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 27 December 1976.

## 26. OMAN

ROYAL DECREE NO. 44 OF 15 JUNE 1977<sup>1</sup>

### *Article 1*

...

1. The area designated to the Sultanate for fishing purposes is to be extended to 200 nautical miles offshore, to be measured from the basic lines by which territorial waters on the high seas are measured.

2. In the event of there being a coastline of another State facing or bordering the coastline of the Sultanate of Oman, the outer boundary of the area designated to the Sultanate for fishing purpose shall be determined by the mid-line on which every point is equidistant from the nearest points on the basic lines from which the Sultanate's territorial waters on the high seas and territorial waters of other States are measured.

### *Article 2*

The authorities concerned are to implement this Decree which will be effective from the date of its publication in the *Official Gazette*.

## 27. PAKISTAN

### (a) EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING) ACT, 1975<sup>2</sup>

Whereas it is expedient to provide for the regulation of fishing within the Exclusive Fishery Zone of Pakistan<sup>3</sup> and for the matters ancillary thereto;

It is hereby enacted as follows:

1. *Short title, extent, application and commencement.* (1) This act may be called the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975.

(2) It extends to the whole of Pakistan and to waters within the exclusive fishery zone of Pakistan beyond the territorial waters, hereinafter referred to as the Zone.

(3) It applies to all fishing crafts within the Zone and to all persons on board such fishing crafts.

(4) It shall come into force at once.

<sup>1</sup> Amending art. 6 of the Royal Decree of 17 July 1972 concerning Territorial Waters, the Continental Shelf and the Area designated to the Sultanate for Fishing Purposes, reproduced in ST/LEG/SER.B/16, p. 23.

<sup>2</sup> No. XXXII of 1975. Gazette of Pakistan, Extraordinary, part I of 5 March 1975, pp. 132-135. Assented to by the President on 1 March 1975. Text transmitted by the Permanent Representative of Pakistan to the United Nations on 3 June 1977.

<sup>3</sup> Under section 6 of the Territorial Waters and Maritime Zones Act, 1976 (see *supra*, division I, 24), Pakistan has exclusive sovereign rights to living resources within a 200-mile economic zone.



2. *Definitions.* In this Act, unless there is anything repugnant in the subject or context—

(a) “fish” includes molluscs, crustaceans, kelp and other marine animals;

(b) “Fishery Officer” means any person who is authorized by the Federal Government, by notification in the official *Gazette*, to exercise or perform any of the powers or functions of Fishery Officer under this Act;

(c) “fishing” means taking or catching of fish within the Zone by any means;

(d) “fishing craft” includes every vessel of whatever description and size and in whatever way propelled or moved which is used in fishing or the transport or processing thereof;

(e) “fishing gear” includes all appliances used for fishing;

(f) “licensing authority” means any person authorized by the Federal Government, by notification in the official *Gazette*, to issue licences under this Act;

(g) “prescribed” means prescribed by rules; and

(h) “rules” means rules made under this Act.

3. *Fishing without licence prohibited.* No person shall, for the purpose of fishing, operate a fishing craft or use any kind of fishing gear within the Zone except under the authority of a licence granted by the licensing authority *nor* otherwise than in accordance with the terms and conditions of such licence.

4. *Fishing craft subject to navigational regulations.* (1) Every fishing craft shall be subject to any law relating to navigation for the time being in force.

(2) The location of nets and traps set by a fishing craft shall be prominently displayed by such means as may be prescribed.

(3) Every fishing gear shall be clear of the navigation channel and specified routes of commercial vessels.

5. *Dynamiting and poisoning prohibited.* No person shall use dynamite or any other explosive substance or poison, lime or noxious material for fishing or destroying fish in the Zone.

6. *Closed season and prohibited area.* Notwithstanding anything contained in this Act, the Federal Government may, by notification in the official *Gazette*, declare any period to be period during which, and any area to be an area within which, fishing of all or any specified description of fish shall be prohibited in the Zone.

7. *Power to search.* Any Fishery Officer may search any fishing craft or landing ground in or on which he has reason to believe to be concealed any fish caught or taken, or anything used, in contravention of any provision of this Act or the rules.

8. *Seizure and disposal.* (1) If any Fishery Officer has reason to believe that any fish has been caught or taken in contravention of any provision of this Act or the rules, or that any fishing craft and fishing gear has been used for such fishing, he may arrest without warrant the owner or the person in charge of the vessel and seize such fish.

(2) Every officer making an arrest under subsection (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or before the officer in charge of the nearest police station; and thereupon the provisions of the Code of Criminal Procedure 1898 (Act V of 1898), applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a Magistrate or any officer in charge of a police station shall apply to him.

(3) Any fish seized under subsection (1) shall be disposed of in accordance with the decision of the Court before which the owner or person in charge of the fishing craft is prosecuted under subsection (2);

Provided that, if the fish seized is such as is likely to perish unless preserved or processed without delay, it may be sold or otherwise disposed of and, if it is sold, its value shall be treated as seized property for the purpose of this subsection.

9. *Penalty.* (1) Whoever contravenes any provision of this Act and the rules shall be punishable with fine which may extend to 5,000 rupees.

(2) Any Court convicting any person under subsection (1) may order that any fish caught or taken in contravention of the provisions of this Act or the rules, shall be forfeited to the Federal Government.

(3) Where the person contravening any provision of this Act or the rules is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

(4) Whoever attempts to contravene, or abets the contravention of, any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules.

10. *False statement.* Whoever, upon being so required by a police officer not below the rank of Sub-Inspector or a Fishery Officer, makes any statement or furnishes any information which is false in any matter or particulars and which he knows or has reason to believe to be false, or does not believe to be true, or makes any such statement as aforesaid in

any book, account, record, declaration, or any document which he is required to maintain, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to 5,000 rupees or with both.

11. *Burden or proof.* Where any person is prosecuted for doing any act or being in possession of anything without lawful authority or licence the burden of proving that he has such authority or licence shall lie on the person.

12. *Liability of the owner, etc.* The owner or the person in charge of any fishing craft carrying anything in contravention of any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules, as the case may be, if—

- (i) such carriage is part of the transaction involving the contravention; and
  - (ii) if the owner or person in charge knew or had reason to believe that a contravention was being committed;
- and shall be punishable under section 9.

13. *Indemnity.* No suit or other legal proceeding shall lie against the Federal Government or any Fishery Officer for anything in good faith done or intended to be done under this Act or any rule.

14. *Delegation of powers.* The Federal Government may, by notification in the official *Gazette*, delegate all or any of its powers under this Act or the rules to any officer.

15. *Jurisdiction of Courts.* For the purpose of giving jurisdiction to Courts under this Act, a fishing craft shall be deemed to be a ship within the meaning of any enactment for the time being in force relating to offences committed on board a ship, and every Court shall have the same jurisdiction over a foreign fishing craft within the Zone and persons belonging to such fishing craft as such Court would have if such fishing craft were a Pakistan fishing craft.

16. *Power to make rules.* (1) The Federal Government may, by notification in the official *Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the sizes of meshes and the sizes and types of nets;
- (b) the size and the quantity of fish which may be caught by any fishing gear or processed at any time;
- (c) the terms and conditions to which licences for fishing shall be subject;

- (d) the registration of fishing craft and fishing gear;
  - (e) the regulation of operations of fishing craft;
  - (f) registration fee, licence fee and royalties on catches, and other dues of the Federal Government;
  - (g) specification of the area for landing of fish taken or caught in the Zone; and
  - (h) regulation of landing and inspection of fish taken or caught in the Zone.
- (b) [TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 6, 8 (1) (b), (2) and 9, 14]<sup>1</sup>

## 28. PORTUGAL

[ACT No. 33/77 OF 28 MAY 1977, Articles 2-8 and 12]<sup>2</sup>

## 29. SAO TOME AND PRINCIPE

DÉCRET-LOI N° 15/78 DU 16 JUIN<sup>3</sup>

Considérant la nécessité de préserver les droits légitimes et les intérêts fondamentaux de la nation en ce qui concerne les ressources biologiques et non biologiques de l'espace maritime de la République démocratique de Sao Tomé-et-Principe;

Considérant l'importance que revêtent pour l'économie nationale la pêche et l'exploitation des ressources naturelles, biologiques et non biologiques se trouvant au fond des océans et dans le sous-sol marin ainsi que dans les eaux susjacentes à proximité immédiate de la mer territoriale dont l'étendue est fixée par la loi;

Compte tenu de l'évolution du droit maritime international, notamment des travaux de la Conférence des Nations Unies sur le droit de la mer;

Etant donné la nécessité d'établir une zone économique exclusive en dehors de la mer territoriale et adjacente à celle-ci, sur laquelle l'Etat de Sao Tomé-et-Principe aura des droits souverains et une juridiction exclusive sur toutes les ressources naturelles, biologiques et non biologiques, qui s'y trouveraient;

En vertu des pouvoirs qui leur sont conférés au paragraphe 1<sup>er</sup> de l'article 26 de la Constitution, le Gouvernement de la République démocratique de Sao Tomé-et-Principe adopte et le Président de la République promulgue le décret-loi ci-après :

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 24.

<sup>2</sup> *Ibid.*, 25.

<sup>3</sup> Entré en vigueur immédiatement selon l'article 8. Texte français transmis par le représentant permanent de Sao Tomé-et-Principe auprès de l'Organisation des Nations Unies dans une note verbale datée du 6 mars 1979.

*Art. 1<sup>er</sup>.*—L'Etat de la République démocratique de Sao Tomé-et-Principe établit dans la zone adjacente à sa mer territoriale une zone économique exclusive dont l'étendue est de 200 milles marins à partir de la ligne de base servant à mesurer la largeur de la mer territoriale.

*Art. 2.*—La ligne extérieure de cette zone économique exclusive est délimitée par des coordonnées géographiques.

*Art. 3.*—L'Etat de Sao Tomé-et-Principe respectera le droit qu'ont également les Etats voisins à leurs zones économiques respectives et se déclare disposé à recourir à des négociations bilatérales pour les conflits de souveraineté que susciterait l'application de ces principes.

*Art. 4.*—La République démocratique de Sao Tomé-et-Principe exercera, dans la zone économique exclusive instituée par le présent décret-loi, les droits ci-après :

1. Droits souverains aux fins de la recherche, l'exploitation, la conservation et l'utilisation des ressources naturelles, biologiques et non biologiques, des fonds marins, y compris le sous-sol et les eaux susjacentes.

2. Droits exclusifs et juridiction concernant l'établissement et l'utilisation d'îles artificielles, installations et dispositifs.

3. Juridiction exclusive sur d'autres activités concernant la recherche et l'exploitation économique de la zone, y compris l'utilisation des courants maritimes et toutes autres possibilités qui découleraient du développement technique et scientifique.

4. Juridiction concernant :

a) La préservation de l'espace maritime, en particulier le contrôle et l'élimination de la pollution;

b) La recherche scientifique.

*Art. 5.*—Les Etats étrangers jouiront, dans la zone économique exclusive, de la liberté de navigation, de survol, de pose de câbles et de pipe-lines sous-marins, ainsi que d'autres utilisations internationalement légitimes de la mer ayant trait à la navigation et aux communications.

1. La pose de câbles et de pipe-lines sous-marins sera faite en accord avec l'Etat de Sao Tomé-et-Principe.

*Art. 6.*—Afin de promouvoir l'usage optimal des ressources biologiques existant dans la zone économique exclusive, l'Etat de la République démocratique de Sao Tomé-et-Principe pourra autoriser d'autres Etats à exploiter rationnellement l'excédent des prises autorisées, moyennant accords bilatéraux.

*Art. 7.*—Toutes les dispositions légales en la matière qui seraient en contradiction avec le présent décret-loi sont abrogées.

...

### 30. SENEGAL

[CODE DE LA PÊCHE MARITIME, 1976, Article 2]<sup>1</sup>

### 31. SEYCHELLES

- (a) [MARITIME ZONES ACT, 1977, Sections 6, 7 and 9-15]<sup>2</sup>  
 (b) THE EXCLUSIVE ECONOMIC ZONE ORDER, 1978<sup>3</sup>

In exercise of the powers conferred by section 6(1) of the Maritime Zones Act, 1977, the President, considering it necessary so to do having regard to International Law and State practice, hereby makes the following Order:

2. The limit of the Exclusive Economic Zone is amended so as to be delineated by the boundary of Area A as shown on Chart No. ML/ADN/49 filed in the office of the Chief Surveyor and more fully described in the Schedule hereto.

#### SCHEDULE

##### *Description of Limit of the Exclusive Economic Zone*

The boundary from point 1 through points 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 to 13 is formed by the locus of a point 200 nautical miles from the nearest landmass of the Republic of Seychelles.

From point 13 through points 14, 15, 16, 17 to point 18, the boundary is the median line equidistant between the Republic of Seychelles and the Territory of Mauritius.

The boundary then follows the locus of a point 200 nautical miles from the nearest landmass of the Republic of Seychelles to point 19.

From point 19 through points 20, 21, 22, 23, 24, 25, 26, 27, 28 to 29 the boundary is formed by the median line equidistant between the Republic of Seychelles and the Malagasy Republic, Iles Glorieuses (France), Mayotte Island, Iles Comores and Mafia Island (Tanzania).

### 32. SPAIN

- (a) LAW 15/1978 OF 20 FEBRUARY ON THE ECONOMIC ZONE<sup>4</sup>

#### *Article 1*

1. In a belt of sea to be called the exclusive economic zone, which shall extend from the outer limit of the Spanish territorial sea for a distance

<sup>1</sup> *Infra*, division V, 29 (a).

<sup>2</sup> *Supra*, division I, subdivision A, chap. I, 28.

<sup>3</sup> S.I. No. 23 of 1978, *Supplement to Official Gazette*, 22 February 1978, pp. 51-52. Text provided by the Ministry of Foreign Affairs and Tourism of the Republic of Seychelles in a note verbale of 10 April 1978.

<sup>4</sup> *Boletín Oficial del Estado, Gaceta de Madrid* No. 46 of 23 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a letter of 27 March 1978. Translation by the Secretariat of the United Nations.

of 200 nautical miles from the base lines used to measure the breadth of the territorial sea, the Spanish State shall have sovereign rights for the purposes of exploring and exploiting the natural resources of the sea-bed, subsoil thereof and its superjacent waters.

In the case of archipelagos, the outer limit of the economic zone shall be measured from straight base lines joining the outermost points of the islands and islets forming the archipelagos, so that the resulting perimeter conforms to the general configuration of each archipelago.

2. In accordance with the provisions of the preceding paragraph, the rights of the Spanish State shall include:

(a) The exclusive right to the natural resources of the Zone;

(b) The authority to enact regulations concerning the preservation of, exploration for and exploitation of such resources with a view to the protection of the marine environment;

(c) Exclusive jurisdiction to enforce all relevant measures;

(d) Such other rights as may be determined by the Government in accordance with international law.

#### *Article 2*

1. Except as provided in international treaties with States whose coasts are opposite or adjacent to Spanish coasts, the outer limit of the economic zone shall be the median or equidistant line.

2. For the purposes of this article, "median or equidistant line" shall mean the line every point of which is equidistant from the nearest points on the base lines drawn in accordance with international law from which the breadth of the territorial sea of each State is measured.

In the case of archipelagos, the median or equidistant line shall be determined on the basis of the archipelagic perimeter drawn in accordance with article 1, paragraph 1.

#### *Article 3*

1. Fishing in the economic zone shall be reserved for Spanish nationals and, subject to agreements between the Governments concerned, to nationals of those countries whose fishing vessels have habitually fished in the zone.

2. Foreign fishermen not covered by the preceding paragraph may not fish in the economic zone, except as provided in international treaties to which Spain is a party.

*Article 4*

The provisions of Law No. 93/1962 of 24 December<sup>1</sup> setting forth penalties for fishing violations committed by foreign vessels shall be applicable in the economic zone.

*Article 5*

1. The establishment of an economic zone shall not affect the freedom of navigation, the freedom of overflight and the freedom to lay submarine cables.

2. In the exercise of the freedom of navigation, foreign fishing vessels must comply with Spanish laws designed to prevent such vessels from fishing in the economic zone, including the laws concerning the carrying of fishing tackle.

## FINAL PROVISIONS

1. The application of the provisions of this law shall be limited to the Atlantic coasts of Spain, both of the mainland and the islands, including the coasts on the Cantabrian Sea; the Government shall have the right to extend these provisions to other coasts of Spain.

2. Law No. 93/1962 of 24 December setting forth penalties for fishing violations committed by foreign vessels, Law No. 20/1967 of 8 April<sup>2</sup> on the extension of the reserved fishing belt and any other laws which are contrary to the provisions of this Law shall be amended as may be necessary for the application of this Law.

3. The Government and the competent official bodies shall adopt the necessary measures for the application of this Law.

(b) [CIRCULAR DATED 30 OCTOBER 1970 CONCERNING RULES APPLICABLE TO THE CONDUCT OF OCEANOGRAPHIC RESEARCH IN MARITIME AREAS SUBJECT TO SPANISH JURISDICTION]<sup>3</sup>

**33. SRI LANKA**

(a) [MARITIME ZONES LAW NO. 22 OF 1976, Sections 5, 7, 8 and 10-15]<sup>4</sup>

(b) [PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977 IN PURSUANCE OF MARITIME ZONES LAW NO. 22 OF 1976, Sections (4)-(6)]<sup>5</sup>

**34. SURINAME**

[LAW CONTAINING THE EXTENSION OF THE TERRITORIAL SEA OF THE REPUBLIC OF SURINAME AND THE ESTABLISHMENT OF A CONTIGUOUS ECONOMIC ZONE, Articles 3-16]<sup>6</sup>

<sup>1</sup> Partially reproduced in ST/LEG/SER.B/15, p. 667.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/15, p. 668.

<sup>3</sup> *Infra*, division III, 20 (d).

<sup>4</sup> *Supra*, division I, subdivision A, chap. I, 31 (a).

<sup>5</sup> *Ibid.*, 31 (b).

<sup>6</sup> *Ibid.*, 32.



### 35. TOGO

[ORDONNANCE N° 24 DU 16 AOÛT 1977 PORTANT DÉLIMITATION DES EAUX TERRITORIALES ET CRÉATION D'UNE ZONE MARITIME ÉCONOMIQUE PROTÉGÉE, Articles 2-4]<sup>1</sup>

### 36. UNION OF SOVIET SOCIALIST REPUBLICS

- (a) DECREE OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR OF 10 DECEMBER 1976 ON PROVISIONAL MEASURES TO CONSERVE LIVING RESOURCES AND REGULATE FISHING IN THE SEA AREAS ADJACENT TO THE COAST OF THE USSR<sup>2</sup>

The Presidium of the Supreme Soviet of the USSR notes that recently an increasing number of States, including some adjoining the USSR, have been establishing economic or fishery zones off their coasts up to a distance of 200 nautical miles without waiting for the conclusion of the international convention now in preparation at the Third United Nations Conference on the Law of the Sea.

The Soviet Union will continue to advocate that urgent problems relating to the legal régime of the world ocean should be settled on an international basis and that a convention should be concluded to that end which will resolve such problems, in particular those of utilizing coastal living marine resources, in a comprehensive and interrelated manner and with due regard for the legitimate interests of all States.

Considering that pending the conclusion of such a convention immediate action is needed to protect the interests of the Soviet State with regard to the conservation, reproduction and optimum utilization of the living resources of the sea areas adjacent to the coast of the USSR, the Presidium of the Supreme Soviet of the USSR decrees:

1. Provisional measures are hereby established, pursuant to the provisions of this Decree, to conserve the living resources of and regulate fishing in the sea areas adjacent to the coast of the USSR and extending to a distance of up to 200 nautical miles from the baselines from which the territorial waters of the USSR are measured.

The establishment of such provisional measures shall not affect the régime of the territorial waters of the USSR.

2. The USSR shall, within the sea areas referred to in article 1 of this Decree, exercise sovereign rights over fish and other living resources for the purpose of their exploration, exploitation and conservation. These rights of the USSR shall also apply to anadromous species of fish within their migration area except when they may occur within other States' territorial waters and economic or fishery zones recognized by the USSR.

<sup>1</sup> *Ibid.*, 33.

<sup>2</sup> Published in the *Gazette of the Supreme Soviet of the Union of Soviet Socialist Republics*, 1976, No. 50. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977.

3. The taking of fish and other living resources as well as exploration and other operations related thereto, which are hereinafter referred to as "fishing", may be conducted by foreign juridical and natural persons within the areas referred to in article 1 of this Decree solely on the basis of agreements or other arrangements between the USSR and foreign States.

4. *Optimum* utilization of fish and other living resources within the areas referred to in article 1 of this Decree shall be effected on the basis of relevant scientific data and, when appropriate, with due regard for the recommendations of competent international organizations. To this end there shall be established, *inter alia*:

(a) A total annual allowable catch for each species of fish and other living resources;

(b) That part of the annual allowable catch of fish or other living resources which may be harvested by foreign fishing vessels, provided that the size of the total allowable catch of any stock of commercial species exceeds the harvesting capacity of the Soviet fishing effort;

(c) Measures to ensure rational conduct of fishing as well as to conserve and reproduce living resources.

5. Subject to the provisions of articles 2, 3 and 4 of this Decree, quotas of catch may be fixed for foreign States, and in accordance with these quotas foreign fishing vessels shall be issued fishing permits. No fishing shall be permitted without such permits.

6. The Council of Ministers of the USSR shall decide upon the conditions and dates for introducing provisional measures to conserve living resources and to regulate fishing in respect of specific sea areas adjacent to the coast of the USSR, the establishment of measures to enforce the provisions of this Decree, and the procedure for application of articles 2, 3, 4 and 5 thereof.

7. Persons guilty of violating the provisions of this Decree or regulations issued in pursuance thereof shall be liable to a fine. The amount of the fine to be imposed by administrative procedure, shall not exceed 10,000 roubles.

Where such violations have caused substantial damage, have had other grave consequences or have been committed repeatedly, the persons guilty of them shall be prosecuted. The amount of the fine, to be imposed by judicial procedure, shall not exceed 100,000 roubles. Upon application by the authorities responsible for the protection of fish and other living resources in the areas referred to in article 1 of this Decree, the court may order the forfeiture of the vessel, fishing gear and appurtenances used by the violators as well as their entire illegal catch.

In the event of the seizure or detention of a foreign vessel, the competent Soviet authorities concerned shall promptly notify the flag State of the action taken and of any penalties subsequently imposed. The detained vessel and its crew shall be promptly released upon the posting of reasonable bond or other security.

8. The provisions of this Decree shall remain in force pending the adoption, in the light of the work of the Third United Nations Conference on the Law of the Sea, of another legislative act of the USSR governing the régime of the sea areas referred to in article 1 of this Decree.

- (b) DECISION NO. 163 OF 24 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR ON THE INTRODUCTION OF PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE AREAS OF THE PACIFIC AND ARCTIC OCEANS ADJACENT TO THE COASTLINE OF THE USSR<sup>1</sup>

The Council of Ministers of the USSR decides:

In accordance with article 6 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 "On provisional measures to protect the living resources and regulate fishing in the coastal waters of the USSR",<sup>2</sup> to introduce the measures envisaged in that Decree with effect from 1 March 1977, in the areas adjacent to the coastline of the USSR, in the Bering Sea, the Sea of Okhotsk, the Sea of Japan, and the Sea of Chukotsk, and the Pacific and Arctic Oceans, including the areas around the islands belonging to the USSR, to a distance of 200 nautical miles, calculated from the same baselines as the territorial waters of the USSR.

To establish that, in the part of the bodies of water mentioned above where the distance between the coastline of the USSR and those of adjacent States is less than 400 nautical miles, the line determining the area of operation of the provisional measures arising from the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 shall be: in the Bering and Chukotsk Seas and the Arctic Ocean—the line established by the Russian-American Treaty of 18 (30) March 1867; in the Pacific Ocean and in the area of the southern group of the Kuril Islands—the line equidistant from these islands and the territory of Japan; in the Sovetsky and Kunashirsky Straits—the State frontier of the USSR; and in the Seas of Okhotsk and Japan—the median line or the line equidistant from the coastline of the USSR and the coasts of the adjacent States.

- (c) REGULATIONS ON THE PROTECTION OF FISHERY AND OTHER LIVING RESOURCES IN THE COASTAL WATERS OF THE USSR CONFIRMED BY DECISION NO. 174 OF 25 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR<sup>3</sup>

1. The protection of fishery and other living resources (hereinafter termed "fishery resources") in the coastal waters of the USSR, specified in the Decree of the Presidium of the Supreme Soviet of the USSR of 10 De-

<sup>1</sup> Published in *Legislative Series of the Government of the Union of Soviet Socialist Republics*, 1977, No. 11. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> *Supra* (a).

<sup>3</sup> Published in *Legislative Series of the Government of the Union of Soviet Socialist Republics*, 1977, No. 11. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977. Translation by the Secretariat of the United Nations.

ember 1976 "On provisional measures to protect the living resources and regulate fishing in the coastal waters of the USSR"<sup>1</sup> (hereinafter termed "coastal waters"), shall be carried out by frontier guards and by the fishery conservation authorities of the Ministry of Fisheries of the USSR.

2. The frontier guards and fishery conservation authorities which are responsible for the protection of the fishery resources in the coastal waters shall be guided in the performance of their duties by these Regulations and by other legislative enactments of the USSR and of the Union Republics, and also by agreements and other arrangements concluded between the USSR and foreign States.

3. The harvesting of fish and other living resources, exploration and the conduct of other operations related thereto (hereinafter designated as "operations") may be carried out by foreign bodies corporate and individuals only if they hold permits issued to foreign vessels in the prescribed manner and under the conditions determined by the Ministry of Fisheries of the USSR within the limits established by that Ministry for the annual allowable catch and the catch quota for foreign States.

Operations in coastal waters shall be carried out with regard for the requirements of the rational conduct of operations, and the conservation and renewal of fishery resources specified in the regulations confirmed by the Ministry of Fisheries of the USSR.

4. When engaged in the protection of fishery resources in coastal waters, officials of the frontier guard and fishery conservation officials shall, where necessary, be empowered to:

(a) Stop and inspect vessels carrying out operations in coastal waters and also go on board such vessels;

(b) Inspect, on board such vessels, the documents authorizing the conduct of operations in coastal waters;

(c) Verify compliance by such vessels with the regulations for the conduct of operations in coastal waters and give binding instructions for the elimination of any violations discovered;

(d) Seize vessels carrying out operations in coastal waters without a permit or in violation of the established regulations, and escort them to an open port of the USSR;

(e) Draw up reports on the conduct of operations without a permit or in violation of the established regulations, institute administrative proceedings in the prescribed manner and, where necessary, submit materials in order to bring charges against offenders in accordance with the laws in force.

Foreign individuals and bodies corporate carrying out operations in the coastal waters shall reimburse to State organs of the USSR the expenses incurred in maintaining officials of the bodies responsible for the protection of fishery resources on foreign vessels.

<sup>1</sup> *Supra* (a).

5. Officials of the frontier guard and fishery conservation officials responsible for the protection of fishery resources in the coastal waters shall, in the performance of their official duties, carry the requisite official credentials.

The ships (vessels) used to protect fishery resources in coastal waters shall carry the appropriate flag of ships of the frontier guard or the pennant of the fishery conservation authorities of the USSR.

6. In order to stop a vessel in the cases provided for in article 4 of these Regulations, the signals prescribed by the International Code of Signals shall be given. A vessel that has been signalled to stop shall do so. It may proceed after obtaining the necessary permission.

7. On the occasion of the inspection of vessels, as provided for in article 4 of these Regulations, examination may be made of the ship's papers, navigational documents, premises, equipment and technical installations, cargo and everything harvested as a result of the operations.

The inspection shall be carried out in the presence of the master of the vessel or of other crew members designated by him or of the owner of the vessel.

8. Vessels, fishing gear and other technical equipment used to conduct operations in coastal waters without a permit or in violation of the regulations for the conduct of operations and whose ownership cannot be determined on inspection, shall be taken into custody and, if necessary, taken to an open port of the USSR for determination of ownership.

9. Reports on the conduct of operations in coastal waters without a permit or in violation of the established regulations shall be signed by officials of the frontier guard or the fishery conservation officials and by the master or owner of the vessel engaged in the operations. Such reports shall be drawn up in the Russian language.

If the master or owner of the vessel considers that the actions of the officials concerned are improper or not in accord with the contents of the report, he may make a reservation, in any language, in the report itself or in a separate document annexed thereto. If the master or owner of the vessel refuses to sign the report, the person who draws up the report shall note that fact in the report.

10. A vessel seized in accordance with these Regulations shall be taken, together with the fishing gear and other technical equipment and everything harvested to the nearest open port of the USSR. The seized vessel may be accompanied by a frontier patrol or by state inspectors of the fishery conservation authorities.

11. The master of a seized vessel may, if necessary, be required to surrender such ship's papers, navigational documents and documents relating to crew, passengers and cargo as are needed to explain the circumstances and nature of the offence. The documents so surrendered shall be recorded in a list.

12. The frontier guard and fishery conservation authorities shall inform the Ministry of Foreign Affairs of the USSR of all cases of the seizure of foreign vessels.

13. The officials who have seized the vessel shall inform the harbour-master of the arrival in the port of the seized vessel.

14. The responsibility for making arrangements for a seized foreign vessel to be moored in a port of the USSR shall rest with the port administration.

The harbour-master shall take steps to ensure that the regulations governing the conduct of vessels in ports of the USSR are complied with by the seized vessel.

While a seized foreign vessel is in a port of the USSR, the provision of the necessary supplies and equipment for the vessel, and for the provision of commercial and other services for persons on board, shall, at the request of the master or owner of the vessel, be effected in the prescribed manner by the Inflat Agency.

15. Crew members and other persons on board a seized foreign vessel may not go ashore unless permitted to do so by the frontier guard authorities in the manner prescribed by the laws in force.

Persons against whom no charges have been brought may, with the consent of the fishery conservation authorities, leave the territory of the USSR in the manner prescribed by law.

16. Seized Soviet vessels shall be detained in an open port of the USSR in accordance with the general regulations governing the stay of ships in ports of the USSR.

Vessels belonging to Soviet State, co-operative or public organizations may be detained in port only for as long as is necessary to confiscate prohibited fishing gear and anything illegally harvested in coastal waters.

17. Confiscated cargo and other items shall be placed in the safe keeping of the master (owner) of the vessel or kept by the fishery conservation authorities or shall be handed over to other organizations to be kept by them until the question of the responsibility of the offenders is settled in the prescribed manner. All illegally harvested organisms which are highly perishable shall be sold at the established prices to Soviet enterprises or trading organizations. Receipts for the items sold shall be included with the other material relating to the offence.

18. Foreign vessels which have been seized until the question of the responsibility of the offenders for the violation is settled in the prescribed manner shall be released as soon as security or any other established guarantee has been provided.

Foreign vessels which have been released after providing security or any other established guarantee or after the question of the responsibility

of the offenders for the violation has been settled shall be escorted by the frontier guard beyond the boundaries of the territorial waters of the USSR.

19. The present Regulations shall not apply to foreign warships or military auxiliary vessels.

(d) DECISION OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR OF 22 MARCH 1977 ON THE SYSTEM FOR THE APPLICATION OF ARTICLE 7 OF THE DECREE OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR ON PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE COASTAL WATERS OF THE USSR<sup>1</sup>

The Presidium of the USSR Supreme Soviet decides that:

1. The penalties established in article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 "On provisional measures to protect the living resources and regulate fishing in the coastal waters of the USSR"<sup>2</sup> shall be applied to individuals and bodies corporate which have violated the provisions of the Decree or the regulations issued for its implementation within the limits of the coastal waters specified in article 1 of that Decree.

The legislation of the USSR and of the Union Republic whose territory is adjacent to the coastal waters concerned shall be applicable to the legal relations arising from the application of the provisional measures to protect the living resources and regulate fishing within the limits of the coastal waters concerned.

2. The fine specified in the first paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 shall be an administrative fine imposed by the fishery conservation authorities at the place where the violation is discovered.

In the cases specified in the second paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976, the fine shall be imposed by the district (town) people's court at the place to which the offender is sent.

3. The payment of the fines specified in article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 shall not exempt the offender from making reparation, in accordance with the laws in force, for the damage caused to fishery and other living resources.

4. To make it clear that violations involving liability in accordance with the second paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 include the illegal

<sup>1</sup> Published in the *Gazette of the Supreme Soviet of the Union of Soviet Socialist Republics*, 1977, No. 13. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> *Supra* (a).

harvesting of fish and other living organisms in large quantities, fishing in spawning grounds or approaches to spawning grounds, other gross violations of the regulations governing fishing operations, and the obstruction of the legitimate activities of officials responsible for the protection of fishery and other living resources in the areas specified in article 1 of that Decree.

A violation is considered to have been repeated if it is committed within one year following the application of the penalties provided in the Decree.

5. In the event of a refusal to pay the fine imposed by the fishery conservation authorities, or to make voluntary reparation for damage caused, and also in the event of the violations specified in the second paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976, the materials relating to the violations shall be examined by the district (town) people's court in the presence of the offenders and of representatives of the fishery conservation authorities no later than five days following the date of the receipt of the materials by the court. If necessary, witnesses may be called.

6. An appeal against the decision of the district (town) people's court on the imposition of a fine, reparation for damages and the confiscation of the vessel, fishing gear and instruments used by the offender, and of the illegal catch, may be lodged within 10 days with a higher court.

7. An appeal against a decision by a fishery conservation authority to impose a fine may be lodged within 10 days with the people's court at the nearest open port of the USSR. Such appeals shall be examined by the court within three days of their submission to the court.

### **37. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

#### *BERMUDA*

#### **[INFORMATION ON THE EXTENSION OF THE EXCLUSIVE FISHING ZONE]<sup>1</sup>**

Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs presents his compliments to Their Excellencies and Messieurs the Heads of Diplomatic Missions and has the honour to inform them that the Acting Governor of Bermuda, on behalf of the United Kingdom, officially extended Bermuda's exclusive fishing zone by proclamation gazetted on 20 May 1977. The subsequent amendment to the administrative Fisheries Act 1972 was passed by both Houses of Bermuda's Parliament and was assented to by the Governor on 14 October 1977.

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<sup>1</sup> Contained in a note from the Foreign and Commonwealth Office, supplied by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland in his note of 12 December 1977.



The Minister of Works and Agriculture in Bermuda is responsible for the control and management of fishing resources within the newly proclaimed extended fishing zone. Members of the Royal Navy, Bermuda Police Force, Bermuda Customs and Officers of the Bermuda Department of Agriculture and Fisheries are all "Enforcement Officers" under the Fisheries Act. Foreign fishing interests are required to apply to the Minister of Works and Agriculture, the Cabinet Office, Hamilton, Bermuda, for licences to fish within Bermuda's 200-mile exclusive area of fishing jurisdiction.

### 38. VENEZUELA

#### ACT ESTABLISHING AN EXCLUSIVE ECONOMIC ZONE ALONG THE COASTS OF THE MAINLAND AND ISLANDS OF THE REPUBLIC OF VENEZUELA, 1978<sup>1</sup>

##### *Article 1. Establishment of an exclusive economic zone*

An exclusive economic zone is hereby established beyond and adjacent to the territorial sea, all along the coasts of the mainland and islands of the Republic of Venezuela, which zone shall be subject to the régime established by this Act.

##### *Article 2. Breadth of the exclusive economic zone*

The outer limit of the exclusive economic zone shall be a line every point of which is a distance of two hundred (200) nautical miles from the baseline used to measure the breadth of the territorial sea.

Where this provision results in overlapping with the exclusive economic zones of other States, the zones shall be delimited, as necessary, by agreement between the States concerned.

##### *Article 3. Rights of the Republic in the exclusive economic zone*

1. In the exclusive economic zone established by this Act, the Republic has:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and wind.

(b) Jurisdiction as provided for in the relevant provisions of this Act and its regulations with regard to:

(i) The establishment and use of artificial islands, installations and structures;

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<sup>1</sup> Approved by the Congress of Venezuela on 26 July 1978 and published in the *Gaceta Oficial Extraordinaria*, No. 2.291 of the same date. Information communicated by the Permanent Mission of Venezuela to the United Nations. Spanish text provided by the Permanent Representative of Venezuela to the United Nations in a letter of 20 September 1978. Translation by the Secretariat of the United Nations.

- (ii) Marine scientific research;
- (iii) The preservation of the marine environment.

2. The rights set out in this article with respect to the sea-bed and subsoil shall be exercised in accordance with provisions relating to the continental shelf.

*Article 4. Rights of other States in the exclusive economic zone*

In the exclusive economic zone of the Republic, other States, whether coastal or land-locked, shall enjoy, subject to the relevant provisions of the present Act, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea associated with navigation and communication.

*Article 5. Conservation of the living resources*

1. The National Executive shall periodically determine the allowable catch of the living resources in the exclusive economic zone of the Republic.

2. The National Executive, taking into account the available scientific evidence, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the Republic shall co-operate to that end with relevant subregional, regional and global organizations.

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield in the light of relevant environmental and economic factors.

*Article 6. Utilization of the living resources*

1. The Republic shall promote the optimum use of the living resources of the exclusive economic zone without prejudice to article 5 of this Act.

2. The National Executive shall periodically determine the capacity of the Republic to harvest the living resources of the exclusive economic zone. Where the National Executive determines that the Republic does not have the capacity to harvest the entire allowable catch, it shall, through agreements and other arrangements and pursuant to the terms, conditions and requirements laid down in the regulations giving effect to this Act, give other States access to the surplus of the allowable catch.

*Article 7. Co-ordination with other States in respect of measures for the conservation of the living resources*

1. The Republic shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to co-ordinate and ensure the conservation and development of the same stock or stocks of associated species occurring within the exclusive economic zone of the Republic and the exclusive economic zones of neighbouring States.

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone of the Republic and in an area beyond and adjacent to the zone but not within the exclusive economic zone of any other State, the Republic shall seek, either directly or through appropriate subregional or regional organizations, to agree with States whose nationals harvest these species upon the measures necessary for their conservation.

*Article 8. Artificial islands, installations and structures in the exclusive economic zone*

1. In the exclusive economic zone, the Republic shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

(a) Artificial islands;

(b) Installations and structures for the purposes provided for in article 3 of this Act and other economic purposes;

(c) Installations and structures which may interfere with the exercise of the rights of the Republic in the zone.

2. The Republic shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

3. For the purpose of ensuring the safety of navigation, due notice must be given of the construction of such artificial islands, installations and structures, and permanent means for giving warning of their presence must be maintained. Any installations and structures which are abandoned or disused must be entirely removed.

4. The Republic may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the National Executive, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations and structures and shall not exceed a distance of five hundred (500) metres, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the appropriate international organizations.

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones. Due notice shall be given of the extent of safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures have no territorial sea of their own and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

*Article 9. Scientific research*

1. Marine scientific research activities in the exclusive economic zone shall be conducted with the prior consent of the Republic.

2. The Republic will not withhold its consent to the conduct of a marine scientific research project unless that project:

(a) Is directly related to the exploration and exploitation of living and non-living natural resources;

(b) Involves drilling, the use of explosives or the introduction of harmful substances into the marine environment;

(c) Involves the construction, operation or use of artificial islands, installations and devices as referred to in article 15 of this Act;

(d) Unjustifiably interferes with activities undertaken by the Republic in accordance with its jurisdiction and as provided in this Act.

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**Division III**  
**THE CONTINENTAL SHELF**

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**1. BAHAMAS**

[FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT, 1977,  
Sections 2 and 11]<sup>1</sup>

**2. BANGLADESH**

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974, Section 7]<sup>2</sup>

**3. BURMA**

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Sections 12-16]<sup>3</sup>

**4. COLOMBIA**

[ACT No. 10 OF 1978, Article 10]<sup>4</sup>

**5. DEMOCRATIC KAMPUCHEA**

[DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES  
DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978, Sections 3-6]<sup>5</sup>

**6. DEMOCRATIC YEMEN**

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE  
ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS,  
Articles 16-21]<sup>6</sup>

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<sup>1</sup> *Supra*, division II, 1.

<sup>2</sup> *Supra*, division I, subdivision A, chap. I, 2.

<sup>3</sup> *Ibid.*, 4.

<sup>4</sup> *Ibid.*, 6.

<sup>5</sup> *Ibid.*, 9.

<sup>6</sup> *Ibid.*, 10.

## 7. DENMARK

EXECUTIVE ORDER NO. 421 OF 24 AUGUST 1976 BY THE MINISTRY OF  
TRADE CONCERNING THE SAFETY ZONE AROUND THE OIL EXPLOITATION  
INSTALLATIONS AT DANFELTET ON THE CONTINENTAL SHELF IN THE  
NORTH SEA<sup>1</sup>

Pursuant to article 4, paragraphs 2 and 3, and article 5, paragraph 3, of Act No. 259 of 9 June 1971 concerning the continental shelf,<sup>2</sup> as amended by Act No. 278 of 7 June 1972, it is hereby provided as follows:

*Article 1.* A safety zone shall be established around the oil exploitation installations consisting of:

1. Exploitation platform A (position 55° 28' 10.4" North, 05° 08' 01.5" East)
2. Exploitation platform D (55° 28' 10.4" North, 05° 08' 05.2" East)
3. Exploitation platform E (55° 28' 54.1" North, 05° 07' 00.6" East)
4. Handling platform B (55° 28' 11.5" North, 05° 08' 03.4" East)
5. Burn-off platform C (55° 28' 13.8" North, 05° 08' 07.5" East)
6. A mooring buoy (55° 28' 11.6" North, 05° 09' 32.5" East) and
7. An oil pipeline running from exploitation platform E through the co-ordinates
  - (1) 55° 28' 14.8" North, 05° 07' 38.5" East,
  - (2) 55° 28' 25.7" North, 05° 07' 14.0" East, and
  - (3) 55° 28' 42.4" North, 05° 07' 02.5" East to the handling platform and thence in a straight line to the mooring buoy.

The safety zone and the placement of the installations are shown in the annex.

2. The safety zone shall extend 500 metres from the positions indicated and from each point of the aforementioned lines between exploitation platform E and the handling platform and between the handling platform and the mooring buoy.

*Article 2.* 1. Ships not having business at the oil exploitation installations shall be prohibited from sailing through or staying in the safety zone referred to in article 1.

2. However, the Minister of Fisheries may, with the consent of the Minister of Trade and after having obtained a decision on the matter from

<sup>1</sup> Entered into force on 15 September 1976 pursuant to Art. 4. Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/16, p. 138.

the Minister for Environmental Protection, authorize fisheries research or marine research in the safety zone.

3. The Minister of Trade may in special cases grant exemptions from the provision contained in paragraph (1).

*Article 3.* Offences against article 2 shall be punishable by a fine.

*Article 4.* The Executive Order of 17 January 1974 concerning the safety zone around the oil exploitation installations on the continental shelf in the North Sea shall at the same time cease to have effect.

## 8. DOMINICAN REPUBLIC

[ACT NO. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF, AS AMENDED IN 1977, Article 7]<sup>1</sup>

## 9. GERMANY, FEDERAL REPUBLIC OF

[ACT OF 11 FEBRUARY 1977 CONCERNING THE CONVENTIONS OF 15 FEBRUARY 1972 AND 29 DECEMBER 1972 FOR THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES FROM SHIPS AND AIRCRAFT, Article 2 (1.3)]<sup>2</sup>

## 10. GUATEMALA

[LEGISLATIVE DECREE NO. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Article 5]<sup>3</sup>

## 11. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Sections 2, 9-14 and 34-41]<sup>4</sup>

## 12. ICELAND

[LAW NO. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF, Articles 5-10]<sup>5</sup>

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 11.

<sup>2</sup> *Infra*, division IV, 3 (b).

<sup>3</sup> *Supra*, division I, subdivision A, chap. I, 14.

<sup>4</sup> *Ibid.*, 16.

<sup>5</sup> *Ibid.*, 18.

**13. INDIA**

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Sections 6 and 9-16]<sup>1</sup>

**14. KENYA**

[PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF KENYA OF 28 FEBRUARY 1979, Article 2]<sup>2</sup>

**15. MALTA**

[MARINE POLLUTION (PREVENTION AND CONTROL) ACT, 1977]<sup>3</sup>

**16. NEW ZEALAND**

[MARINE POLLUTION ACT, 1974, Section 5]<sup>4</sup>

**17. PAKISTAN**

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 5, 8 (1) (b) and 9-14]<sup>5</sup>

**18. PORTUGAL**

[ACT NO. 33/77 OF 28 MAY 1977, Article 9]<sup>6</sup>

**19. SEYCHELLES**

[MARITIME ZONES ACT, 1977, Sections 5, 7 and 9-15]<sup>7</sup>

**20. SPAIN**

(a) [MINING ACT 22/1973 OF 21 JULY 1973, Articles 2, 7, 11, 13 and 14]<sup>8</sup>

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<sup>1</sup> *Ibid.*, 19.

<sup>2</sup> *Supra*, division II, 21.

<sup>3</sup> *Infra*, division IV, 5.

<sup>4</sup> *Ibid.*, 6 (a).

<sup>5</sup> *Supra*, division I, subdivision A, chap. I, 24.

<sup>6</sup> *Supra*, division I, subdivision A, chap. I, 25.

<sup>7</sup> *Ibid.*, 28.

<sup>8</sup> *Supra*, division I, subdivision A, chap. IX, 2 (a).



- (b) [ACT No. 21/74 OF 27 JUNE 1974 CONCERNING THE LEGAL RÉGIME GOVERNING THE EXPLORATION, INVESTIGATION AND EXPLOITATION OF HYDROCARBONS, Articles 1-5, 12-14, 17-19, 28-30 and 71]<sup>1</sup>
- (c) [DECREE No. 2862/76 OF 30 JULY 1976 CONTAINING THE REGULATION GIVING EFFECT TO ACT No. 21/74 OF 27 JUNE 1974, Articles 1, 2, 28, 35, 39 and 66]<sup>2</sup>
- (d) CIRCULAR DATED 30 OCTOBER 1970 CONCERNING RULES APPLICABLE TO THE CONDUCT OF OCEANOGRAPHIC RESEARCH IN MARITIME AREAS SUBJECT TO SPANISH JURISDICTION<sup>3</sup>

1. Any State wishing to conduct research in maritime areas subject to national jurisdiction shall transmit to the Ministry of Foreign Affairs, at least six months prior to the commencement of the proposed expedition, the provisional programme of research drawn up by the relevant research centre in the applicant country.

2. The provisional programme shall contain the following information:

(a) Name and characteristics of the scientific vessel which is to conduct the research operations.

(b) Name of the head of the research team and approximate number of members of the team.

(c) General programme and nature of the research to be conducted.

(d) The research centre which is sponsoring the expedition.

3. Once the provisional application has been received, Spanish research organizations may send a scientist to the relevant research centre in the applicant country to ascertain directly the nature of the research to be conducted and the materials to be used.

If, for any reason, it is not considered necessary to send a Spanish scientist to the research centre in the applicant country, that centre may be requested to supplement the provisional programme with whatever broader or more detailed information is deemed necessary in order to determine whether or not authorization should be granted.

4. Once the contacts between scientists referred to in the previous paragraph have taken place, the Ministry of Foreign Affairs shall indicate whether or not the granting of authorization as requested is agreed to and whether or not Spanish participation in the proposed expedition is desired, in which case it shall transmit the names of the Spanish scientists who intend to take part in the research operations.

<sup>1</sup> *Ibid.*, 2 (b).

<sup>2</sup> *Ibid.*, 2 (c).

<sup>3</sup> Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

5. At least two months prior to the commencement of the expedition, the applicant State shall transmit to the Ministry of Foreign Affairs the detailed programme of research to be conducted.

The detailed programme shall contain the following information:

- (a) A reference to the general programme.
- (b) Composition of the research team and the crew of the research vessel.
- (c) Scientific equipment on board the vessel.
- (d) Ports of call of the scientific vessel.
- (e) Nautical chart showing the vessel's itinerary and the location of the sites where research operations are to be conducted.
- (f) Materials to be used in the research work.
- (g) Name of the research centre or other place where the data obtained during the expedition are to be deposited and processed.
- (h) Organizations, laboratories or persons who have been invited to participate in the expedition and who will take part in collating the results.

6. One year after completion of the research operations, the results of the expedition and all data obtained by the country which conducted the research shall be transmitted to the Ministry of Foreign Affairs. Any data and specimens which are not reproducible shall remain at the disposal of Spanish scientists wishing to examine them at the centre which sponsored the research.

The country which conducted the research shall transmit to the Ministry of Foreign Affairs a copy of all scientific or other publications and papers which are based on data and materials collected during the expedition.

7. Research vessels which have not requested authorization to carry out research expeditions in maritime areas subject to national jurisdiction, but which desire authorization to enter Spanish ports, shall address their applications to the Ministry of Foreign Affairs at least 15 days prior to their date of entry. Such applications shall be accompanied by information on the general research plan which is being, has been or will be carried out by the research vessel in question, with details of the dates and geographical areas of the research operations.

## 21. SRI LANKA

[MARITIME ZONES LAW NO. 22 OF 1976, Sections 6-8 and 10-15]<sup>1</sup>

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<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 31 (a).

**Division IV**  
**THE HIGH SEAS**

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**1. BANGLADESH**

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974, Section 8]<sup>1</sup>

**2. DENMARK**

(a) ACT ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE  
BALTIC SEA AREA, 1975<sup>2</sup>

PART 1

*Application Area*

*Section 1.* The purpose of this Act set up in accordance with the Convention on the Protection of the Marine Environment of the Baltic Sea Area<sup>3</sup> is to prevent and combat marine pollution in the Baltic Sea Area by oil, noxious liquid substances, sewage and garbage from ships and floating or fixed platforms.

*Section 2.* For the purpose of this Act, "the Baltic Sea Area" shall be the Baltic Sea, the Gulf of Bothnia, the Gulf of Finland, the Sound and the Belts, bounded by the parallel of the Skaw in the Kattegat at 57° 44' 08" N.

*Section 3.* For the purpose of this Act, "discharge" shall mean any release or disposal at sea from ships, including other waterborne means of transport, and floating or fixed platforms.

*Subscription (2).* Discharge does not include:

(1) dumping as provided for in Act on Prevention of Pollution of the Sea by Matter Other than Oil,<sup>4</sup>

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<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 2.

<sup>2</sup> Act No. 324 of 26 June 1975. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

<sup>3</sup> Reproduced in ST/LEG/SER.B/18, p. 518.

<sup>4</sup> Reproduced in ST/LEG/SER.B/16, p. 207.

(2) placement of substances or material for purposes other than the mere disposal thereof, and

(3) release at sea of harmful substances directly arising from the exploration or exploitation of sea-bed mineral resources.

*Section 4.* This Act applies to the following ships and platforms while operating in the Baltic Sea Area:

(1) ships which are Danish-owned or operate in Danish territorial waters, and

(2) platforms which are Danish-owned or operate in Danish territorial waters or on the Danish Continental Shelf.

*Subsection (2).* For ships and platforms not flying the flag of a State Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, the discharge provisions of sections 5, 10, 14 and 16 of this Act shall only apply as far as the set-up and equipment of the ships and platforms permit.

*Subsection (3).* This Act shall not apply to naval ships and to other ships owned or operated by a State and used for the time being only on government non-commercial service.

## PART 2

### *Oil*

*Section 5.* Discharge of any form of petroleum and mixture thereof including refined products, other than petrochemicals which are subject to the provisions of Part 3 of this Act, shall only take place in accordance with the provisions of sections 6-8 of this Act.

*Section 6.* Discharge of oily mixtures may take place from ships of less than 400 gross register tons other than oil tankers, provided the oil content of the effluent without dilution does not exceed 15 parts per million or provided all the following conditions are satisfied:

(1) the ship is proceeding en route,

(2) the oil content of the effluent is less than 100 parts per million, and

(3) the discharge is made not less than 12 nautical miles from the baseline from which the territorial sea is established in accordance with international law (nearest land).

*Subsection (2).* "Oil tanker" means a ship constructed or adapted to carry or actually carrying oil in bulk.

*Section 7.* Discharge of oily mixtures may take place from platforms, provided the oil content of the effluent without dilution does not exceed 15 parts per million.

*Section 8.* Ballast may be discharged from a tank which since oil was last carried therein has been cleaned so that ballast water therefrom, if it were discharged from a ship under way but stopped and making no way through the water, into clean calm water would not produce visible traces of oil on or below the water surface.

*Subsection (2).* Notwithstanding the presence of visible traces ballast water may be discharged, provided the discharge is made through an oil discharge system and the oil content of the effluent without dilution does not exceed 15 parts per million.

*Subsection (3).* For ships flying the flag of a State Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area the system referred to in subsection (2) hereof shall be approved by the competent authorities of that State.

*Subsection (4).* For Danish ships the system referred to in subsection (2) hereof shall be approved by the Government Ships Inspection Service.

*Section 9.* Any oil tanker, other ships of 400 gross register tons and above in which fuel oil is used for propulsion, and platforms shall keep an Oil Record Book.

*Subsection (2).* The Minister for the Environment is empowered to issue detailed regulations on the keeping and design of the Oil Record Book.

*Subsection (3).* At the request of the authorities referred to in subsection (1) of section 23, and subsection (1) of section 24 of this Act, or of one of the competent authorities of a State Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, the owner or user of the ship or platform and the Master of the ship shall be obliged to produce the Oil Record Book and to furnish certified copies thereof.

### PART 3

#### *Noxious Liquid Substances and Other Liquid Substances in Bulk*

*Section 10.* Discharge of noxious liquid and other liquid substances in bulk, the vapour pressure of which does not exceed 2.8 kPa/cm<sup>2</sup> at a temperature of 37.8 C, and mixtures of such substances shall only take place in accordance with the regulations issued under section 11 of this Act.

*Subsection (2).* For the purposes of this Act, "noxious liquid substances" means substances which when discharged into the sea may present a hazard to human health and to marine resources, or cause harm to amenity values or other legitimate uses of the sea.

*Section 11.* The Minister for the Environment is empowered to issue detailed regulations on the categorization of noxious liquid substances and other liquid substances in bulk, and regulations on special conditions for

discharge of categorized substances. Moreover, the Minister for the Environment is empowered to make lists of categorized noxious liquid substances and other liquid substances in bulk.

*Section 12.* Liquid substances not falling into the lists referred to in section 11 of this Act shall be categorized provisionally by the Minister for the Environment prior to transportation in bulk to or from Danish territorial waters.

*Section 13.* Ships adapted to carry or actually carrying noxious liquid substances in bulk (chemical tankers) shall keep a Cargo Record Book.

*Subsection (2).* The Minister for the Environment is empowered to issue detailed regulations on the design and keeping of the Cargo Record Book.

*Subsection (3).* At the request of the authorities referred to in subsection (1) of section 23, and subsection (1) of section 24 of this Act, or of one of the competent authorities of a State Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, the owner or user of the ship and the Master of the ship shall be obliged to produce the Cargo Record Book and to furnish certified copies thereof.

#### PART 4

##### *Sewage*

*Section 14.* Discharge of drainage or other wastes from toilets, medical premises and spaces containing living animals (sewage) shall be made in accordance with the provisions of section 15 of this Act.

*Section 15.* Sewage may be discharged provided the ship or platform has in operation a sewage treatment plant and the sewage effluent does not produce visible traces in the surrounding water.

*Subsection (2).* Moreover, sewage may be discharged from ships provided it has passed through a system for sewage comminution and disinfection, and the discharge is taking place at a distance of more than 4 nautical miles from the nearest land, cf. paragraph (3) of subsection (1) of section 6 of this Act.

*Subsection (3).* Sewage may moreover be discharged from ships at a distance of more than 12 nautical miles from the nearest land. If the discharge is made from a sewage holding tank the ship shall be proceeding at not less than 4 knots and the discharge be made at a moderate rate.

*Subsection (4).* For ships flying the flag of a State Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area, the system and plant referred to in subsections (1) and (2) hereof shall be approved by the competent authority of that State. The letter of approval of the plant referred to in subsection (1) hereof shall be carried by the ship.

*Subsection (5).* For Danish ships and platforms the system and plant referred to in subsections (1) and (2) hereof shall be approved by the Government Ships Inspection Service.

#### PART 5

##### *Garbage*

*Section 16.* Discharge of all kinds of waste, excluding fresh fish and parts thereof, shall be made in accordance with the provisions of section 17 of this Act.

*Section 17.* Food waste may be discharged, provided the discharge is made at a distance of more than 12 nautical miles from the nearest land, cf. paragraph (3) of subsection (1) of section 6 of this Act.

*Subsection (2).* Discharge of food waste from platforms or from ships within 500 metres of such platforms may only take place provided the waste has passed through a comminuter.

#### PART 6

##### *Harmful Substances in Packaged Forms, Containers etc.*

*Section 18.* After consultation with the Minister of Commerce and the Minister of Public Works, the Minister for the Environment is empowered to issue detailed regulations on environmental aspects of loading and unloading in Danish Baltic Sea ports of harmful substances in packaged forms, containers etc., including regulations on transportation, notification and reports of accidents.

#### PART 7

##### *Pleasure Craft*

*Section 19.* The provisions of Parts 2-6 of this Act shall not apply to sailing boats and motor boats used as pleasure craft.

*Subsection (2).* The Minister for the Environment is empowered to issue regulations to be applied to discharge from pleasure craft.

#### PART 8

##### *Reception Facilities*

*Section 20.* After consultation with the Minister of Public Works and the Minister of Commerce, the Minister for the Environment is empowered to issue detailed regulations and to decide upon the provision and functioning of facilities for the reception of residues and mixtures of oil and noxious liquid substances and of sewage and garbage in Danish Baltic Sea ports.

#### PART 9

##### *Exceptions*

*Section 21.* The provisions of Parts 2-7 of this Act and regulations issued in pursuance thereof shall not apply to discharge for the purpose of saving life at sea or securing the safety of the ship or platform.

*Section 22.* The provisions of Parts 2 and 3 of this Act and regulations issued in pursuance thereof shall not apply to discharge into the sea of oily or noxious liquid substances for the purpose of scientific research into pollution abatement or marine pollution control. Permits to discharge for such purposes shall be granted by the Minister for the Environment or by his agent. Outside Danish territorial waters, such permit may also be granted by a competent authority in a State Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area.

## PART 10

### *Co-operation and Reporting*

*Section 23.* In case of discharge incidents or risk of discharge in contravention of Parts 2 and 3 of this Act, owners or users of ships and platforms and Masters of ships shall report immediately to the Minister for the Environment or to his agent. Moreover, reports shall be made of observation from a ship, platform or an aircraft of significant spills at sea of oil or noxious liquid substances.

*Subsection (2).* In case of discharge incidents as referred to in subsection (1) hereof, owners or users of ships and platforms and Masters of ships and aircraft shall furnish the Minister for the Environment or his agent and the authorities referred to in subsection (1) of section 24 of this Act with all particulars relevant to the institution of measures to prevent or combat marine pollution.

*Subsection (3).* The Minister for the Environment is empowered to issue detailed regulations on the implementation of the provisions of subsections (1) and (2) hereof. Moreover, the Minister for the Environment is empowered to direct that in case of incidents as referred to in subsections (1) and (2) hereof and provided the ship or platform is outside Danish territorial waters, reports shall be made to a competent authority in a State Party to the Convention on the Protection of the Marine Environment of the Baltic Sea Area.

## PART 11

### *Control and Advice*

*Section 24.* The Defence Services, the Inspection of Fisheries or other bodies authorized by the Minister for the Environment shall supervise compliance with the provisions of this Act and regulations issued under this Act.

*Subsection (2).* While discharging the functions referred to in subsection (1) hereof, the Defence Services or the Inspection of Fisheries may without Court order go on board a ship or a platform and take samples for the purpose of supervising compliance with this Act and the regulations issued under this Act.



*Subsection (3).* The Police shall assist the authorities referred to in subsection (1) hereof as agreed between the Minister for the Environment and the Minister of Justice.

*Subsection (4).* The powers referred to in Subsections (2) and (3) hereof may be exercised towards foreign ships and platforms passing through Danish territorial waters where the violation of the provisions of this Act and of the regulations under this Act have taken place or are expected to take place within Danish territory.

*Section 25.* The Board appointed pursuant to Act on Prevention of Pollution of the Sea by Oil shall assist the Minister for the Environment in implementing the provisions of this Act. The Board may submit recommendations to the Minister for the Environment on measures to combat marine pollution in the Baltic Sea Area by substances or matters derived from ships and platforms.

## PART 12

### *Penalty and Entry into Force*

*Section 26.* For violation of section 5, subsections (1) and (3) of section 9, subsection (1) of section 10, section 12, subsections (1) and (3) of section 13, sections 14, 16 and 22, or subsections (1) and (2) of section 23, the penalty shall be fine, detention or imprisonment for up to one year.

*Subsection (2).* In regulations issued pursuant to subsection (2) of section 9, section 11, subsections (1) and (3) of section 13, sections 14, 16 and 22, or subsections (1) and (2) of section 23, penalty may be provided for violation of the regulations, such as either fine; fine or detention; fine detention or imprisonment for up to one year.

*Subsection (3).* In case of violation committed by limited liability companies, co-operative societies or the like, the company as such shall be held liable to pay the fine.

*Subsection (4).* Violations are subject to police prosecution. The remedies contained in Parts 68, 69, 71 and 72 of the Administration of Justice Act shall be applied as in actions brought by the Public Prosecutor.

*Section 27.* In Act on Prevention of Pollution of the Sea by Oil, cf. Promulgation Order no. 124 of 7 April 1967, as amended by Act no. 151 of 10 May 1967, Act no. 49 of 3 February 1971 and Act no. 289 of 7 June 1972, the following section shall be inserted after section 11:<sup>1</sup>

*"Section 11 bis.* This Act shall not apply to ships operating in the Baltic Sea, the Gulf of Bothnia, the Gulf of Finland, the Sound and the Belts, bounded by the parallel of the Skaw in the Kattegat at 57° 44' 08" N."

<sup>1</sup> Section 11 of the Act is reproduced in ST/LEG/SER.B/16, p. 211.

*Section 28.* The date of entry into force of this Act shall be fixed by the Minister for the Environment.

*Subsection (2).* The provisions of Part 4 of this Act may become effective gradually for specified groups of ships.

*Subsection (3).* The Minister for the Environment is empowered to exempt ships certified to carry more than 400 persons from complying with the provisions of this Act for a period of up to 10 years after its date of entry into force if it is satisfied that the application of the provisions would necessitate essential constructional alterations.

*Section 29.* This Act shall not apply to the Faroe Islands and Greenland. By Royal Order this Act may be made to apply to ships flying the flag of the Faroe Islands on less stringent terms adapted to the special conditions of these islands.

(b) ACT NO. 312 OF 26 JUNE 1975 AMENDING THE ACT ON MEASURES AGAINST POLLUTION OF THE SEA BY SUBSTANCES OTHER THAN OIL<sup>1</sup>

#### *Article 1*

The following amendments shall be made to Act No. 290 of 7 June 1972<sup>2</sup> on measures against pollution of the sea by substances other than oil:

1. In section 2 (1), insert after the words "which are Danish-owned" the words "or Faroese-owned" and after the words "Danish territorial waters" the words "including the territorial waters surrounding the Faroe Islands".

2. In section 2 (2), insert after the words "which are Danish-owned" the words "or Faroese-owned", after the words "Danish territorial waters" the words "including the territorial waters surrounding the Faroe Islands", and after the words "Danish territory of the Continental Shelf" the words "including the territory of the Continental Shelf surrounding the Faroe Islands".

3. In section 3 (1), insert after the words "Within Danish territorial waters" the words "including the territorial waters surrounding the Faroe Islands".

4. After section 4, insert:

"Section 4 (a). Within the Baltic Sea area, which for the purposes of this Act shall mean the Baltic Sea, the Gulf of Bothnia, the Gulf of Finland, the Sound and the Belts together with the Kattegat up to the parallel running through Skagen (57° 44' 8" N), the Minister for Environmental Protection or his agent may, irrespective of the prohibition laid down in section 3, authorize dumping of dredged sea-bottom material onto some other portion of the sea-bottom, provided that the

<sup>1</sup> Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Reproduced in ST/LEG/SER.B/16, p. 207 (sects. 1-12).

material does not contain significant quantities or concentrations of the substances specified in annex 3. Dumping outside of Danish territorial waters may also be authorized by the competent authorities of any country which has acceded to the Convention on the Protection of the Marine Environment of the Baltic Sea Area.”<sup>1</sup>

5. Section 5, subsection 1, sentence 1, shall read as follows:

“In marine areas outside of the Baltic Sea area, the Minister for Environmental Protection or his agent may authorize dumping irrespective of the prohibitions laid down in sections 3 and 4.”

6. In section 5, subsection 1, add after the first sentence:

“Authorization for dumping in the territorial waters surrounding the Faroe Islands must also be obtained from the National Executive of the Faroe Islands.”

7. In section 5, subsection 2, second sentence, insert after the words “Dumping of substances and materials not listed in Annexes” the words “1 and 2”.

8. In section 8, subsection 3, after the words “the circumstances which necessitated the dumping” add the sentence “The Minister for Environmental Protection may establish detailed regulations concerning such reports.”

9. In section 10, subsection 2, the words “Annexes 1 and 2” should be amended to read “Annexes 1, 2 and 3”.

10. In section 11, the words “into the sea” should be amended to read “into the sea outside the Baltic Sea area, cf. section 4 (a)”.

11. Section 44 is deleted.

12. The following shall be added as Annex 3 to the Act:

#### “ANNEX 3

“Authorization for dumping within the Baltic Sea area may be granted only if the dumped materials do not contain significant quantities or concentrations of the substances and materials listed below:

“1. DDT (1,1,1-trichloro-2, 2-bis = (4-chlorophenyl) = ethane) and its derivatives DDE and DDD.

“2. PCB’s (polychlorinated biphenyls).

“3. Mercury, cadmium and their compounds.

“4. Antimony, arsenic, beryllium, chromium, copper, lead, molybdenum, nickel, selenium, tin, vanadium, zinc and their compounds as well as elemental phosphorus.

“5. Phenols and their derivatives.

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<sup>1</sup> Reproduced in ST/LEG/SER.B/18, p. 518.

- "6. Phthalic acid and its derivatives.
- "7. Cyanides.
- "8. Persistent halogenated hydrocarbons.
- "9. Polycyclic aromatic hydrocarbons and their derivatives.
- "10. Persistent toxic organosilicic compounds.
- "11. Persistent pesticides, including organophosphoric organostannic pesticides, herbicides, slimicides and chemicals used for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles not listed above.
- "12. Radioactive materials.
- "13. Acids, alkalis and surface active agents in high concentrations or big quantities.
- "14. Oil and wastes of petrochemicals and other industries containing lipid-soluble substances.
- "15. Substances having adverse effects on the taste and/or smell of products for human consumption from the sea.
- "16. Substances having effects on taste, smell, colour, transparency or other characteristics of the water and seriously reducing its amenity values.
- "17. Materials and substances which may float, remain in suspension or sink, and which may seriously interfere with any legitimate use of the sea.
- "18. Lignin substances.
- "19. The chelators EDTA (ethylenedinitrilotetraacetic acid or ethylenediaminetetraacetic acid) and DTPA (diethylenetriaminopentaacetic acid)."

#### *Article 2*

1. The provisions of article 1, subparagraphs 1-3, 6 and 11, shall enter into force on 1 August 1975.
  2. The date of the entry into force of the provisions of article 1, subparagraphs 4, 5, 7, 8-10 and 12, shall be established by the Minister.
- (c) [EXECUTIVE ORDER No. 421 OF 24 AUGUST 1976 BY THE MINISTRY OF TRADE CONCERNING THE SAFETY ZONE AROUND THE OIL EXPLOITATION INSTALLATIONS AT DANFELTET ON THE CONTINENTAL SHELF IN THE NORTH SEA]<sup>1</sup>
- (d) NOTICE OF 26 NOVEMBER 1976<sup>2</sup> BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE EXTENSION TO THE FAROE ISLANDS OF THE CONVENTION OF 15 FEBRUARY 1972 FOR THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT<sup>3</sup>

<sup>1</sup> *Supra*, division III, 7.

<sup>2</sup> Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>3</sup> Reproduced in ST/LEG/SER.B/16, p. 457.

With effect from 1 November 1976, the Convention of 15 February 1972 for the prevention of marine pollution by dumping from ships and aircraft shall also apply to the Faroe Islands. As from the said date, the reservation concerning the application of the Convention to the Faroe Islands, made when Denmark deposited its instrument of ratification with the Norwegian Government on 28 July 1972 (cf. Executive Order No. 35 of 3 April 1974 by the Ministry of Foreign Affairs, *Official Gazette C*), was revoked.

- (e) NOTICE OF 26 NOVEMBER 1976 BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING THE EXTENSION TO THE FAROE ISLANDS OF THE CONVENTION OF 29 DECEMBER 1972 ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER<sup>1</sup>

With effect from 15 November 1976, the Convention of 29 December 1972 on the prevention of marine pollution by dumping of wastes and other matter<sup>2</sup> shall also apply to the Faroe Islands. As from the said date, the reservation concerning the application of the Convention to the Faroe Islands, made when Denmark deposited its instrument of ratification with the Governments in London, Mexico City, Moscow and Washington on 23 October 1974 (cf. Executive Order No. 15 of 6 February 1976 by the Ministry of Foreign Affairs, *Official Gazette C*), was revoked.

### 3. GERMANY, FEDERAL REPUBLIC OF

- (a) ACT CONCERNING THE PEACEFUL USE OF NUCLEAR ENERGY AND PROTECTION AGAINST ITS DANGERS (ATOMIC ACT), AS AMENDED ON 31 OCTOBER 1976<sup>3</sup>

#### SECTION 1. GENERAL PROVISIONS

##### *Article 1. Purpose of the Act*

The purpose of this Act is

1. To promote research into and development and use of nuclear energy for peaceful purposes,
2. To protect lives, health and property from the dangers of nuclear energy and the harmful effects of ionizing radiation, and to provide compensation for damage caused by nuclear energy or ionizing radiation,
3. To safeguard the internal or external security of the Federal

<sup>1</sup> Danish text submitted by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Reproduced in ST/LEG/SER.B/16, p. 464.

<sup>3</sup> *Bundesgesetzblatt* 1976, part I, p. 3054. Amended in pursuance of article 2 of the Fourth Act amending the Atomic Act, of 30 August 1976 (*Bundesgesetzblatt* I, p. 814). Text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale of 2 August 1977. Translation by the Secretariat of the United Nations.

Republic of Germany against risks arising from the application or release of nuclear energy.

4. To ensure that the Federal Republic of Germany fulfils its international obligations in the field of nuclear energy and protection against radiation.

...

#### SECTION 4. PROVISIONS CONCERNING LIABILITY

##### *Article 25. Liability for nuclear installations*

(1) If damage results from a nuclear incident originating in a nuclear installation, the provisions of this Act as well as the provisions of the Paris Convention<sup>1</sup> shall apply with respect to the liability of the operator of the nuclear installation. The same shall apply if damage is caused by ionizing radiation from another source of radiation in the nuclear installation.

(2) If, in the case of carriage of nuclear substances, including storage incidental thereto, the carrier has by contract assumed liability in lieu of the operator of a nuclear installation situated in the territory to which the Act applies, he shall be deemed to be the operator of a nuclear installation as from the time when he assumed liability. The contract must be in writing. The assumption of liability shall be effective only if it was approved by the authority competent under article 4, on the application of the carrier, prior to the commencement of the carriage or of storage incidental thereto. Approval shall be granted only if the carrier is licensed to carry goods in the territory to which this Act applies or has his principal place of business as a forwarding agent in the territory to which this Act applies, and if the operator of the nuclear installation has signified his consent to the authority.

(3) The provisions of article 3 (a) (ii) 2 of the Paris Convention, relating to exemption from liability in case of damage to means of transport, shall not apply.

(4) The provisions of article 9 of the Paris Convention relating to exemption from liability in case of damage caused by a nuclear incident directly due to an act of armed conflict, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character shall not apply. If the damage occurs in another State, the first sentence of this paragraph shall apply only if the other State has, as at the time of the nuclear incident, established in relation to the Federal Republic of Germany provisions equivalent in nature, scope and extent.

(5) The liability of the operator of a nuclear installation shall not be limited by the territorial provisions of article 2 of the Paris Convention.

(6) The operator of a nuclear installation shall not be liable under the Paris Convention if the damage was caused by a nuclear incident involving nuclear substances specified in annex 2 to this Act.

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<sup>1</sup> Convention on Third Party Liability in the Field of Nuclear Energy, Paris, 29 July 1960, registered with the Secretariat of the United Nations on 18 December 1974 by the Organization for Economic Co-operation and Development acting on behalf of the parties.

*Article 25 (a). Liability for nuclear ships*

(1) The provisions of this section shall apply *mutatis mutandis* to the liability of the operator of a nuclear ship, provided that:

1. The provisions of the Paris Convention shall be replaced by the corresponding provisions of the Brussels Convention on the liability of operators of nuclear ships<sup>1</sup> (*Bundesgesetzblatt* 1975 II, p. 977). The Brussels Convention shall be applied in national law without regard to its binding force for the Federal Republic of Germany in international law, in so far as its provisions do not require reciprocity with effect from the entry into force of the Convention.

2. If the damage occurs in another State, article 31, paragraph 1, first sentence, concerning amounts in excess of the maximum liability under the Brussels Convention shall apply only if the law of that State, as at the time of the nuclear incident, contains provisions equivalent in nature, scope and extent, applicable to the Federal Republic of Germany, with respect to the liability of operators of nuclear ships. Article 31, paragraph 1, second and third sentences, article 36, article 38, paragraph 1, and article 40 shall not apply.

3. Article 34 shall apply only to nuclear ships authorized to fly the flag of the Federal Republic. If a nuclear ship is built or is equipped with a reactor in the territory to which this Act applies on behalf of another State or persons of another State, article 34 shall apply until such time as the nuclear ship is registered in the other State or acquires the right to fly the flag of another State. The exemption obligation arising out of article 34 shall be borne to the extent of 75 per cent by the Federal Republic, the rest being borne by the country competent under the terms of article 7 for the licensing of the nuclear ship.

4. In the case of nuclear ships not authorized to fly the flag of the Federal Republic, this section shall apply only where the nuclear damage caused by the nuclear ship occurred in the territory to which this Act applies.

5. Jurisdiction over claims for compensation shall lie with the courts of the State whose flag the nuclear ship is authorized to fly; in cases covered by subparagraph 4, jurisdiction shall also lie with the court of the place in the territory to which this Act applies where the nuclear damage occurred.

(2) In so far as international treaties on liability for nuclear ships contain provisions of a binding character which are at variance with the provisions of this Act, the former shall prevail.

*Article 31. Limits of liability*

(1) The liability of the operator of a nuclear installation under the Paris Convention in conjunction with article 25, paragraphs 1 to 5, shall

<sup>1</sup> Convention on the Liability of Operators of Nuclear Ships and Additional Protocol, Brussels, 25 May 1962.

be limited to DM 1 billion for each incident causing damage. If the damage occurs in a State party to the Paris Convention for which the supplementary Brussels Convention has entered into force, the first sentence of this paragraph shall apply in respect of the maximum liability in excess of 120 million units of account only if the State party has, at the time of the nuclear incident, established in relation to the Federal Republic of Germany provisions equivalent in nature, scope and extent. If the damage occurs in another State, the second sentence of this paragraph shall apply, provided that the figure of 120 million units of account shall be replaced by 15 million units of account.

(2) In case of material damage, the liability of the person liable under the Paris Convention in conjunction with article 25, paragraphs 1 to 5, or article 26 shall be limited to the ordinary value of the damaged article plus the costs of providing safeguards against the damage of radiation from such article. In case of liability under the Paris Convention in conjunction with article 25, paragraphs 1 to 5, compensation for damage to the means of transport on which the nuclear material was at the time of the nuclear incident shall be payable only when the satisfaction of other claims for compensation within the limit of liability is ensured.

#### *Article 32. Limitation periods*

(1) Claims for compensation under this section shall become time-barred three years from the date on which the person entitled to compensation had knowledge or should have had knowledge of the damage and of the person liable for compensation, and in any event 30 years after the date of the incident causing the damage.

(2) In the cases referred to in article 8 (b) of the Paris Convention, the limitation period of 30 years specified in paragraph 1 shall be replaced by a limitation period of 20 years from the date of the theft, loss, jettison or abandonment.

(3) Claims under the Paris Convention against the operator of a nuclear installation in respect of loss of human life or bodily injury which are brought before a court within 10 years of the nuclear incident shall take precedence over claims brought subsequent to the expiry of that period.

(4) If negotiations regarding the amount of compensation to be paid are pending between the person liable for compensation and the person entitled to compensation, the running of the limitation period shall be suspended until such time as either party refuses to continue the negotiations.

(5) In all other respects, the provisions of the Civil Code concerning limitation periods shall apply.

#### *Article 33. Liability of more than one person*

(1) Where more than one person is legally liable for compensation to a third party in respect of damage caused by a nuclear incident or otherwise by the effects of a process of nuclear fission or radiation from



radio-active material or by the effects of ionizing radiation from an accelerator, the persons concerned shall be jointly and severally liable to the third party, unless article 5 (d) of the Paris Convention provides otherwise.

(2) In the cases referred to in paragraph 1, the apportionment of liability among the persons liable for compensation shall depend on the circumstances, and in particular on the extent to which the damage was caused predominantly by one of the parties unless article 5 (d) of the Paris Convention provides otherwise. The operator of a nuclear installation shall not, however, be liable for compensation in excess of the maximum amount specified in article 31, paragraph 1.

#### *Article 34. Exoneration from liability*

(1) If, as a result of the effects of a nuclear incident, the operator of a nuclear installation situated in the territory to which this Act applies incurs legal liability for compensation under the Paris Convention in conjunction with article 25, paragraphs 1 to 5, or under the law of a foreign State applicable to the damage caused, the operator shall be exonerated from such liability to the extent that it is not covered by, or cannot be met out of, the financial security for such damage. The exoneration shall be limited to the maximum amount specified in article 31, paragraph 1, less an amount representing the extent to which the liability incurred is covered by and can be met out of the financial security.

(2) If, following the occurrence of a nuclear incident, an application for exoneration from liability is anticipated, the operator of the nuclear installation shall:

1. Immediately notify the Federal Minister designated by the Federal Government and the *Land* authorities designated by the *Land* governments;
  2. Immediately inform the competent Federal Minister and the competent *Land* authorities of any claims for compensation which are lodged or preliminary proceedings which are instituted and, if so requested, provide any information which may be necessary in order to verify and legally assess the facts of the case;
  3. Follow the instructions of the competent *Land* authorities in extra-judicial or judicial proceedings relating to any claims to compensation which are lodged;
  4. Refrain from acknowledging or satisfying any claim to compensation without the consent of the competent *Land* authorities, unless it would be manifestly inequitable to withhold such acknowledgement or satisfaction.
- ...

#### *Article 35. Apportionment procedure*

(1) If it is anticipated that, in cases in which the legal liabilities for damage resulting from an incident will exceed the limits specified in article 31, paragraph 1, the manner in which the funds available to meet

such legal obligations is to be apportioned, and the procedure to be followed shall be specified by statute and, pending the enactment of such a statute, by regulation.

...

*Article 36. Apportionment of the costs of exoneration from liability between the Federation and the Länder*

The Federation shall bear 75 per cent of the costs of exoneration from liability as provided in article 34. The remainder of the costs shall be borne by the *Land* in which the nuclear installation where the nuclear incident originated is situated.

*Article 37. Recourse in case of exoneration*

Where the operator of a nuclear installation has been exonerated from liability for compensation under article 34, recourse may be had against the operator of the nuclear installation for the amount of the payments made if:

1. The operator fails to fulfil his obligations under article 34, paragraph 2 or 3; however, there shall be no recourse if such failure has affected neither the determination of the damage nor the determination or scope of the payments made;
2. The operator or, in the case of a juridical person, the legal representative thereof in the performance of the duties duly assigned to him caused the damage wilfully or through gross negligence;
3. The payments were made because the financial security available was not of the scope or amount officially laid down.

*Article 38. Settlement by the Federation*

(1) If a person who suffers damage in the territory to which this Act applies as a result of a nuclear incident cannot claim compensation under the law of another State Party to the Paris Convention applicable to the incident causing the damage because:

1. The nuclear incident occurred in the territory of a State not a party to the Paris Convention;
2. The damage was caused by a nuclear incident directly due to an act of armed conflict, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character;
3. The applicable law makes no provision for liability in respect of damage to the means of transport on which the nuclear material was at the time of the occurrence of the nuclear incident;
4. The applicable law makes no provision for liability of the operator where the damage was caused by ionizing radiation from another source in the nuclear installation;

5. The applicable law provides for a shorter limitation period or extinction period than is provided under this Act; or

6. The total amount available for compensation is less than the total amount provided for in article 31, paragraph 1, first sentence, of this Act;

Then the Federation shall make a settlement up to the amount specified in article 31, paragraph 1, first sentence.

(2) The Federation shall likewise make a settlement up to the amount specified in article 31, paragraph 1, first sentence, if the foreign law applicable to damage suffered in the territory to which the Act applies, or the provisions of an international agreement, give the person who suffered the damage an entitlement substantially less in nature, scope and extent than the compensation to which he would be entitled if the provisions of this Act were applied.

(3) Paragraphs 1 and 2 shall not apply to persons suffering damage who are not Germans within the meaning of article 116, paragraph 1, of the Basic Law and are not habitually resident in the territory to which this Act applies, unless the State of residence has, at the time of the nuclear incident, established in relation to the Federal Republic of Germany provisions equivalent in nature, scope and extent.

(4) Claims under paragraphs 1 and 2 shall be submitted to the Federal Administrative Office. They shall become time-barred three years from the date on which the decision concerning compensation rendered under foreign or international law has become final.

...

*Article 40. Actions against the operator of a nuclear installation situated in another State party*

(1) Where, in accordance with the provisions of the Paris Convention, jurisdiction over complaints for compensation against the operator of a nuclear installation situated in another State party to the Paris Convention lies with a court in the territory to which this Act applies, the liability of the operator shall be determined in accordance with the provisions of this Act.

(2) Notwithstanding the provisions of paragraph 1, the following points shall be determined in accordance with the law of the State party in which the nuclear installation is situated:

1. Who is deemed to be the operator;
2. Whether the liability of the operator for compensation extends also to nuclear damage in a State which is not a party to the Paris Convention;
3. Whether the liability of the operator extends to nuclear damage caused by radiation from another source of radiation in a nuclear installation;

4. Whether, and to what extent, the liability of the operator extends to damage to the means of transport on which the nuclear material was at the time of the nuclear incident;

5. What is the limit of the liability of the operator;

6. After what period of time the claim against the operator shall be time-barred or extinguished;

7. Whether, and to what extent, nuclear damage in the cases referred to in article 9 of the Paris Convention shall be compensable.

...

(b) ACT OF 11 FEBRUARY 1977 CONCERNING THE CONVENTIONS OF 15 FEBRUARY 1972 AND 29 DECEMBER 1972 FOR THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES FROM SHIPS AND AIRCRAFT<sup>1</sup>

...

#### *Article 2*

(1) In the absence of anything to the contrary in the provisions of this Act or in the regulations issued under article 7, paragraph 2 (1), a permit shall be required for the dumping or discharge of materials into the high seas:

1. By a ship or aircraft authorized to fly the flag or bear the national insignia of the Federal Republic of Germany;

2. By a ship or aircraft on board of which the substances to be dumped or discharged were loaded in the territory to which this Act applies;

3. By a fixed or floating platform or installation used for the exploration and exploitation of the resources of the continental shelf of the Federal Republic of Germany.

(2) A permit may be issued only if:

1. Substances are to be dumped or discharged which cannot be disposed of on land without detriment to the public welfare or can be so disposed of only at excessive cost;

2. There is no reason to fear that dumping or discharge will cause a detrimental change in the quality of the sea-water which creates hazards to human health, harms living resources and marine life, damages recreational amenities or interferes with other legitimate uses of the sea and which cannot be prevented or offset by the imposition of conditions or directives.

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<sup>1</sup> *Bundesgesetzblatt*, 1977, part II, p. 165. By article 1 of the law, the Lower House of Parliament of the Federal Republic of Germany (Bundestag) consented to the Conventions indicated in the title. Text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale of 2 August 1977.

(3) There shall, in particular, be deemed to be reason to fear a detrimental change in the quality of the sea-water within the meaning of paragraph 2 (2) where substances listed in annexes I to the Conventions referred to in article 1, or in any binding amended version of those annexes, are to be dumped or discharged.

(4) If a compelling public interest calls for the dumping or discharge of substances into the high seas, a permit may be issued even in the case of substances which can be disposed of on land without detriment to the public welfare or without excessive cost, or in respect of which there is reason to fear that dumping or discharge will cause a detrimental change in the quality of the sea-water within the meaning of paragraph 2 (2).

### *Article 3*

Article 2 shall not apply where, in an emergency, substances are dumped or discharged into the high seas in order to avert a threat to human life or health or to safety of a ship, aircraft or installation within the meaning of article 2, paragraph 1 (3). The captain of the ship or pilot of the aircraft, or the person responsible for the safety of the installation, shall immediately report to the German Hydrographical Institute the dumping or discharge, together with full details of the circumstances and of the nature and quantities of the substances dumped or discharged.

### *Article 4*

For the purposes of this Act, "ships and aircraft" means, in addition to waterborne craft or airborne craft of any type whatsoever, air-cushioned craft and floating craft, whether self-propelled or not.

### *Article 5*

The provisions of this Act shall also apply to the destruction or disposal of wastes in incinerators on the high seas. They shall not apply to the dumping and discharge of substances and materials incidental to or derived from the normal operations of ships, aircraft or installations or their equipment, where the purpose of such operations is not the dumping and discharge of substances and materials, or to ships and aircraft of the Federal armed forces.

...

### *Article 7*

(1) The Federal Minister of Transport shall be empowered, in agreement with the Federal Minister of the Interior and the Federal Minister of Economic Affairs, to give effect by regulation, with the consent of the Bundesrat, to amendments to:

1. The annexes to the Convention referred to in article 1 (1),<sup>1</sup> in accordance with article 18, paragraph 2, of the Convention;

2. The annexes to the Convention referred to in article 1 (2),<sup>2</sup> in accordance with article XV, paragraph 2, of the Convention,

provided that such amendments are compatible with the purposes of the Conventions.

(2) The Federal Minister of Transport shall be empowered to perform the following acts by regulation, with the consent of the Bundesrat:

1. In agreement with the Federal Minister of the Interior and the Federal Minister of Economic Affairs:

(a) For the purpose of implementing article 19, paragraph 1, of the Convention referred to in article 1 (1) and article III, paragraph 1, of the Convention referred to in article 1 (2), to provide that no permit shall be required for the dumping of certain substances into the high seas;

(b) In the cases referred to in subparagraph (a), to provide that the German Hydrographics Institute shall be notified of the dumping;

(c) For the purpose of implementing the annexes to the Conventions referred to in article 1, to specify the conditions under which certain substances may be dumped or discharged into the high seas;

(d) To lay down the procedure for implementing this Act, and in particular to issue instructions concerning the data required in support of applications, the form of the permit and the recognition of foreign permits;

(e) To provide that proof of the implementation of dumping programmes shall be produced.

2. In agreement with the Federal Minister of Finance, to specify which official acts shall be subject to payment of a fee and to establish fixed schedules or guidelines for such fees. The fee for any official act shall not exceed DM 20,000.

...

#### *Article 8*

(1) Any person who, without due authorization, pollutes the high seas or otherwise detrimentally changes the characteristics thereof shall be liable to imprisonment for a term not exceeding two years or to a fine.

(2) If such person commits such acts for a consideration or with intent to enrich himself or another or to injure another, he shall be liable to imprisonment for a term not exceeding three years or to a fine.

(3) Attempts to commit such acts shall be punishable in cases covered by paragraph 2.

<sup>1</sup> Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, 15 February 1972 (reproduced in ST/LEG/SER.B/16, p. 457).

<sup>2</sup> Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters, 29 December 1972 (reproduced in ST/LEG/SER.B/16, p. 464).

(4) If in cases covered by paragraph 1, the person committing such acts does so negligently, he shall be liable to imprisonment for a term not exceeding one year or to a fine.

#### *Article 9*

(1) Any person who, by an act specified in article 8, paragraph 1, endangers the life or health of another or any article of considerable value being the property of another, shall be liable to imprisonment for a term not exceeding five years or to a fine.

(2) Attempts to commit such acts shall be punishable.

(3) Any person who, in cases covered by paragraph 1:

1. Causes the danger negligently or
2. Acts negligently and causes the danger negligently,

shall be liable to imprisonment for a term not exceeding three years or to a fine.

#### *Article 10*

(1) Any person who wilfully or negligently:

1. Dumps or discharges substances into the high seas without a permit, in violation of article 2, paragraph 1,

2. Fails to report the dumping or discharge of substances, in violation of article 3, second sentence, or

3. Violates an order under article 7, paragraph 2 (1) (b) or (e), or an enforceable regulation issued pursuant to such order, where the order provides that a specified offence shall render the offender liable to the fine provided for in this article,

shall be guilty of a contravention.

(2) Contraventions shall be punishable by a fine of not more than DM 100,000.

...

#### *Article 13*

This Act shall also apply to *Land* Berlin, in so far as *Land* Berlin declares that it shall so apply. Orders issued pursuant to this Act shall apply to *Land* Berlin in accordance with article 14 of the Third Transitional Act of 4 January 1952 (*Bundesgesetzblatt* I, p. 1).

#### *Article 14*

(1) This Act, excluding articles 2 to 12, shall enter into force on the day following its publication. Articles 2 to 12 shall enter into force on the date on which either of the two Conventions referred to in article 1 enters

into force for the Federal Republic of Germany. The instruments of ratification shall not be deposited before the expiration of a period of six months from the date of publication of this Act.

(2) The dates on which the Convention of 15 February 1972, in accordance with its article 23, and the Convention of 29 December 1972, in accordance with its article XIX, enter into force for the Federal Republic of Germany shall be published in the *Bundesgesetzblatt*.

#### 4. ICELAND

[LAW NO. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF, Article 8]<sup>1</sup>

#### 5. MALTA

MARINE POLLUTION (PREVENTION AND CONTROL) ACT, 1977<sup>2</sup>

##### PART I

##### *Preliminary*

1. (1) This Act may be cited as the Marine Pollution (Prevention and Control) Act, 1977.

(2) This Act shall come into force on such date as the Minister may, by notice in the Gazette, appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

2. (1) In this Act, unless the context otherwise requires or it is otherwise expressly provided—

“area of Malta” means Malta and the territorial waters thereof;

“Convention” has the meaning assigned to it by section 29 of this Act, and includes a protocol, agreement or other arrangement;

“Convention ship” means a ship registered in a Convention State;

“Convention State”, in relation to any Convention, means a country the Government of which has been declared by an order made under section 29 of this Act to have accepted such Convention and has not been so declared to have denounced it, and includes any territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend;

“damage” includes loss;

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 18.

<sup>2</sup> Act No. XII of 1977; 6 April 1977. Assented to by the President on 12 April 1977. Text provided by the Acting Permanent Representative of Malta to the United Nations in a note dated 31 May 1977. This law repeals Section 7 of the Continental Shelf Act, 1966, reproduced in ST/LEG/SER.B/16, pp. 156-159.



“discharge”, in relation to oil or other pollution or to a mixture containing oil or other pollutant, means any discharge or escape however caused;

“in bulk” means in such quantities as may be prescribed;

“load”, when used in Part VI of this Act, means load for dumping;

“Maltese aircraft” means an aircraft registered in Malta, and includes an aircraft which has been bona fide demised, let or hired out for any period exceeding fourteen days to an individual resident in Malta or a company or other body corporate established under the laws of Malta;

“Maltese marine structure” means a marine structure owned by or leased to an individual resident in Malta or a company or other body corporate established under the laws of Malta;

“Maltese ship” has the same meaning as is assigned to it by section 3 of the Merchant Shipping Act, 1973;

“marine structure” means a platform or other man-made structure at sea;

“master” includes every person, except a pilot, having for the time being command or charge of a ship;

“Minister” means the Minister responsible for shipping and includes any person acting under his authority;

“mixture containing oil” means any mixture of oil with water or with any other substance or with both and any mixture of water or any other substance, or both, with oil;

“mixture containing pollutant” means any mixture of a pollutant with water or with any other substance or with both and any mixture of water or any other substance, or both, with a pollutant;

“oil” means oil of any description and includes spirit produced from oil of any description and also includes coal tar;

“oil residues” includes any residue or waste consisting of, or arising from, oil or a mixture containing oil;

“outside the territorial waters of Malta” means outside the seaward limits of those waters;

“owner”, in relation to a ship, means the person registered as the owner of the ship, or in the absence of registration the person owning the ship;

“owner or operator”, in relation to an offshore facility or an onshore facility, means any person owning or operating such facility, and in the case of an abandoned facility, the person who owned or operated such facility immediately prior to such abandonment;

“place afloat” includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of the territorial waters of Malta, and includes anything resting on the bed or shore of the sea or of the territorial waters of Malta;

“place on land” includes any facility of any kind located, in, on or under any land within Malta, other than submerged land;

“pollutant” means any substance which if introduced into the sea or any other waters is liable to create hazards to human health, or to harm living resources or other marine life, or to damage amenities or to interfere with other legitimate uses of the seas or of the waters aforesaid and, without limiting the generality of the foregoing, includes any substance, or any substance that is part of a class of substances, that is prescribed by the Minister, for the purposes of this Act, to be a pollutant;

“port” has the same meaning as is assigned to it by section 2 of the Ports Ordinance, 1962;

“prescribed” means prescribed by regulations, rules, orders or instructions under this Act;

“proper officer” means an officer authorised in that behalf by the Minister or other appropriate authority;

“ship” includes every description of vessel used in navigation not propelled by oars and also includes an air-cushioned vehicle and a floating craft which is attached to a ship;

“territorial waters”, in relation to Malta, means the whole of the sea within the seaward limits of the territorial waters of Malta and includes the waters of any port, or harbour and all other internal waters of Malta within those limits;

“trade effluent” means the solid or liquid waste of any trade, business or manufacture;

“transfer”, in relation to oil, means transfer in bulk;

“vessel” includes any ship or boat or any other description of vessel used in navigation.

(2) In relation to any damage resulting from the discharge of any oil from a ship, references in this Act to the owner of the ship are references to the owner at the time of the occurrence or first of the occurrences resulting in the discharge.

(3) Reference in this Act to the area of any country includes the territorial sea of that country.

(4) Any reference in this Act to the measures reasonably taken after the discharge of oil or other pollutant for the purpose of preventing or reducing any damage caused by contamination resulting from such discharge shall include actions taken to remove the oil from the water and foreshores or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to fish, shellfish, wildlife, and public and private property, foreshores and beaches.

## PART II

*Criminal Liability for Pollution*

3. (1) If any oil or other pollutant to which this section applies or any mixture containing such oil or pollutant is discharged from a Maltese ship into any part of the sea outside the territorial waters of Malta, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence.

(2) This section applies—

(a) to crude oil, fuel oil and lubricating oil; and

(b) to heavy diesel oil, as defined by regulations made by the Minister under this section;

and shall also apply to any other description of oil and to any pollutant which may be specified by regulations made by the Minister, having regard to the provisions of any Convention accepted by the Government of Malta in so far as it relates to the prevention of pollution of the sea.

(3) Regulations made by the Minister may make exceptions from the operation of subsection (1) of this section, either generally or with respect to particular classes of ships, particular descriptions of oil or other pollutants or mixtures containing oil or other pollutants or the discharge of oil or other pollutants or mixtures in particular circumstances or into particular areas of the sea, and may do so either absolutely or subject to any specified conditions.

(4) Any person guilty of an offence under this section shall be liable, on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

4. (1) If any oil or other pollutant or any mixture containing oil or other pollutant is discharged into the territorial waters of Malta from any vessel or any place afloat, or from any place on land, or from any apparatus used for transferring oil or other pollutant (whether to or from a place on land or afloat), then, subject to the provisions of this Act the following shall be guilty of an offence, that is to say—

(a) if the discharge is from a vessel, the owner or master of the vessel;

(b) if the discharge is from an apparatus used for transferring oil or other pollutant from or to a vessel or takes place while oil or other pollutant is being so transferred, the owner or person in charge of the apparatus;

(c) if the discharge is from any other place, the occupier or other person in charge of such place.

(2) Any person guilty of an offence under this section shall be liable, on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

5. (1) If any oil or any mixture containing oil is discharged into any part of the sea—

(a) from a pipe-line; or

(b) as a result of any operation for the exploration of the sea-bed and sub-soil or the exploitation of their natural resources in a designated area,

then, subject to the following provisions of this Act, the owner of the pipe-line or, as the case may be, the person carrying on the operations shall be guilty of an offence unless the discharge was from a place in his occupation and he proves that it was due to the act of a person who was there without his permission (express or implied).

(2) In this section “designated area” means an area for the time being designated by an order made under subsection (3) of section 3 of the Continental Shelf Act, 1966.<sup>1</sup>

(3) A person guilty of an offence under this section shall be liable on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

6. (1) Where a person is charged with an offence under section 3 of this Act, or is charged with an offence under section 4 of this Act as the owner or master of a vessel, it shall be a defence to prove that the oil, pollutant or mixture was discharged for the purpose of securing the safety of any vessel or of preventing damage to any vessel or cargo, or of saving life, unless the court is satisfied that the discharge of the oil, pollutant or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in subsection (1) of this section, it shall also be a defence to prove—

(a) that the oil, pollutant or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing the escape of oil, pollutant or mixture; or

(b) that the oil, pollutant or mixture escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

7. Where a person is charged, in respect of the escape of any oil, pollutant or mixture containing oil or pollutant, with an offence under section 4 or section 5 of this Act—

(a) as the occupier of a place on land; or

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<sup>1</sup> Reproduced in ST/LEG/SER.B/16, pp. 156-159.

(b) as a person carrying an operation for the exploration of the sea-bed and sub-soil or the exploitation of their natural resources; or

(c) as the owner of a pipe-line;

it shall be a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

### PART III

#### *Civil Liability for Pollution*

8. (1) Where any oil or other pollutant, or any mixture containing oil or pollutant, is discharged from any vessel (whether carried as part of the cargo of the vessel or otherwise), or from a place afloat or from a place on land—

(a) the owner of the ship; or

(b) the owner or operator of the place afloat or place on land;

shall, subject to the provisions of this Act, be liable—

(c) for any damage caused in the area of Malta by contamination resulting from the discharge; and

(d) for the costs of any measures reasonably taken after the discharge for the purpose of preventing or reducing any such damage in the area of Malta; and

(e) for any damage caused in the area of Malta by any measures so taken.

(2) Where oil or other pollutant, or any mixture containing oil or pollutant, is discharged from two or more vessels and—

(a) a liability is incurred under this section by the owner of each of them; but

(b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

each of the owners shall be liable jointly and severally (in solidum) with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(3) For the purposes of this Part of this Act, where more than one discharge results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one; but any measures taken after the first of them shall be deemed to have been taken after the discharge.

(4) Where the owner of a vessel incurs a liability under this section by reason of a discharge, sections 349 and 350 of the Merchant Shipping Act, 1973, shall not apply in relation to that liability.

9. The owner or operator of a ship, or of a place afloat or of a place on land from which oil or other pollutant has been discharged shall not incur any liability under section 8 of this Act if he proves that the discharge—

(a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or

(b) was due wholly to anything done or left undone by another person, not being a servant or agent of the owner or operator, with intent to do damage; or

(c) was, in the case of a discharge from a vessel, due wholly to the negligence or wrongful act of the government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

10. (1) Where—

(a) after a discharge of oil or other pollutant from any vessel, or place afloat, or place on land, measures are reasonably taken for the purpose of preventing or reducing the damage in the area of Malta which may result from the discharge; and

(b) any person incurs, or might but for the measures have incurred, a liability, otherwise than under section 8, for any such damage,

then, whether or not paragraph (d) of subsection (1) of that section applies, such person shall be liable for the cost of the measures taken as aforesaid, whether or not the person taking them does so for the protection of his interests or in the performance of a duty.

11. No action to enforce a claim in respect of a liability incurred under section 8 of this Act shall be entertained by any court in Malta unless the action is commenced not later than three years after the claim arose and not later than six years after the occurrence or first of the occurrences resulting in the discharge by reason of which the liability was incurred.

12. (1) Any vessel to which this section applies shall not enter or leave a port in Malta or arrive at or leave a terminal in the territorial waters of Malta or anchor within the territorial waters of Malta, unless there is in force in respect of the vessel a contract of insurance or other security recognised by the Minister for the purposes of this section.

(2) The Minister shall recognise a contract of insurance or other security for the purposes of this section if such contract or security satisfies the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage done at Brussels on the 29th November 1969,<sup>1</sup> or such requirements as the Minister may by notice in the Gazette specify:

<sup>1</sup> Reproduced in ST/LEG/SER.B/16, pp. 447-454.

Provided that, where the Minister is of the opinion that there is a doubt whether the person providing the insurance or other security will be able to meet his obligations thereunder, or whether the insurance or other security will cover the owners' liability under section 8 of this Act in all circumstances, he may refuse to recognise such insurance or security.

(3) Documentary evidence to the effect that the vessel carries the contract of insurance or other security required by subsection (1) of this section shall, on demand, be produced by the master to any officer of customs or to any proper officer.

(4) If any vessel enters or leaves, or attempts to enter or leave a port or arrives at or attempts to arrive at or leave a terminal or anchors within the territorial waters of Malta in contravention of subsection (1) of this section, the master or the owner of the vessel shall be liable, on conviction, to a fine (*multa*) not exceeding £35,000.

(5) If the master of the vessel fails to comply with any demand made under subsection (3) of this section, he shall be liable, on conviction, to a fine (*multa*) not exceeding £400.

(6) This section shall apply to any vessel carrying in bulk a cargo of oil of a description prescribed by the Minister.

#### PART IV

##### *Measures to Prevent and Control Pollution*

13. (1) For the purpose of preventing or controlling pollution of the sea, the Minister may make regulations requiring Maltese ships to be fitted with such equipment and to comply with such other requirements as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1) of this section, where any regulations made thereunder require ships to be fitted with equipment of a specified description, the regulations may provide that equipment of that description—

(a) shall not be installed in a ship to which the regulations apply unless it is a type tested and approved in such manner as may be prescribed;

(b) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be prescribed, it is submitted for testing and approval in such manner as may be prescribed, and is so tested and approved.

(3) If in the case of any ship, the provisions of any regulations made under this section which apply to that ship are contravened, the owner or master of the ship shall be guilty of an offence and, on conviction, shall be liable to a fine (*multa*) not exceeding £1,000.

14. (1) The Minister may make regulations requiring record books to be carried in Maltese ships and requiring the master of any such ship to record in the record book carried by her—

(a) the carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed, that is to say, operations relating to:

- (i) the loading of any cargo of oil or other pollutant; or
- (ii) the transfer of any cargo of oil or other pollutant during a voyage; or
- (iii) the discharge of any cargo of oil or other pollutant; or
- (iv) the ballasting of tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks; or
- (v) the separation of oil from water, or from other substances, in any mixture containing oil; or
- (vi) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs; or
- (vii) the disposal of any other residue of oil or other pollutant;

(b) any occasion on which oil or other pollutant or a mixture containing oil or other pollutant is discharged from the ship for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;

(c) any occasion on which oil or other pollutant or a mixture containing oil or other pollutant is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil or other pollutant to and from vessels while they are within the territorial waters of Malta, and requiring the master of any such vessel, or such other person as may be prescribed, to keep such records.

(3) The requirements of any regulation made under subsection (2) of this section shall be in addition to the requirements of any regulation made under subsection (1) of this section.

(4) Regulations under this section requiring the carrying of record books or the keeping of records may—

(a) prescribe the form of record books or records and the nature of the entries to be made in them;

(b) require the person providing or keeping the books or records to retain them for a prescribed period;



(c) require a person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;

(d) provide for the custody or disposal of books or records after their transmission to such a place or person.

(5) If any ship fails to carry such record book or books as she is required to carry under this section, the owner or master shall be liable, on conviction, to a fine (*multa*) not exceeding £500.

(6) If any person fails to comply with any requirements imposed on him by or under this section, he shall be liable, on conviction, to a fine (*multa*) not exceeding £500.

(7) If any person makes an entry in any record book carried or record kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable, on conviction, to a fine (*multa*) not exceeding £500 or imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(8) In any proceedings under this Act—

(a) any record book carried or record kept in pursuance of regulations made under this section shall, unless the contrary is proved, be sufficient evidence of the facts stated in it;

(b) any copy of an entry in such a record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept to be a true copy of the entry shall, unless the contrary is proved, be sufficient evidence of the facts stated in the entry;

(c) any document purporting to be a record book carried or record kept in pursuance of regulations made under this section, or purporting to be such certified copy as is mentioned in paragraph (b) of this subsection shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

15. (1) If any oil or other pollutant or mixture containing oil or other pollutant—

(a) is discharged from a vessel into the territorial waters of Malta; or

(b) is found to be escaping, or to have escaped, from a vessel into such waters; or

(c) is found to be escaping, or to have escaped, into such waters from a place on land or a place afloat;

the owner or master of the ship, or the occupier of the place on land or of the place afloat, as the case may be, shall forthwith report the occurrence to the Director of Ports indicating under which paragraph of this subsection the occurrence falls and giving such details as may be required by such Director.

(2) If a person fails to make a report as required by subsection (1) of this section he shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding £500.

16. (1) The Minister may make regulations requiring masters of Maltese ships or persons in command of Maltese aircraft to report—

(a) all accidents or casualties which are causing or may cause pollution of the sea by oil or other pollutant; and

(b) the presence, characteristics and extent of oil or other pollutant observed on or in the sea,

to any such authority or organization and in such form and manner as may be prescribed.

(2) If a master of a Maltese ship or a person in command of a Maltese aircraft fails to make a report as required by any regulations made under subsection (1) of this section, he shall be liable, on conviction, to a fine (*multa*) not exceeding £500.

#### PART V

##### *Intervention in Cases of Oil Pollution Casualties*

17. (1) The powers conferred by this section shall be exercisable where—

(a) an accident has occurred to or in a ship; and

(b) in the opinion of the Minister, oil or other pollutant from the ship will or may cause pollution on a large scale in Malta or in the waters in or adjacent to Malta up to the seaward limits of territorial waters; and

(c) in the opinion of the Minister, the use of the powers conferred by this section is urgently needed,

and shall be exercisable subject to the provisions of this Act.

(2) For the purpose of preventing or reducing pollution, the Minister may give directions as respects the ship or its cargo—

(a) to the owner of the ship, or to any person in possession of the ship; or

(b) to the master of the ship; or

(c) to any salvor in possession of the ship, or to any person who is the servant or agent of any salvor in possession of the ship, and who is in charge of the salvage operation.

(3) Directions under subsection (2) of this section may require the person to whom they are given to take, or refrain from taking, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the directions may require—

(a) that the ship is to be, or is not to be, moved, or is to be moved to a specified place, or is to be removed from a specified area or locality; or

(b) that the ship is not to be moved to a specified place or area, or over a specified route; or

(c) that any oil or other pollutant or other cargo is to be, or is not to be unloaded or discharged; or

(d) that specified salvage measures are to be, or are not to be, taken.

(4) If in the opinion of the Minister, the powers conferred by subsection (2) of this section are, or have proved to be, inadequate for the purpose, the Minister may, for the purpose of preventing or reducing pollution, or the risk of pollution, take, as respects the ship or its cargo, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the Minister may—

(a) take any such action as he has power to require to be taken by a direction under this section;

(b) undertake operations for the sinking or destruction of the ship, or any part of it, of a kind which is not within the means of any person to whom he can give directions;

(c) undertake operations which involve the taking over of control of the ship.

(5) The powers of the Minister under subsection (4) of this section shall also be exercisable by such persons as may be authorised in that behalf by the Minister.

(6) Every person concerned with compliance with directions given, or with action taken, under this section shall use his best endeavours to avoid any risk to human life.

(7) The provisions of this section and of section 20 of this Act are without prejudice to any rights or powers of the Government of Malta exercisable apart from those sections whether under international law or otherwise.

(8) It is hereby declared that any action taken as respects a ship which is under arrest or as respects the cargo of such a ship, being action duly taken in pursuance of a direction given under this section, or being any action taken under subsection (4) or (5) of this section does not constitute contempt of court.

(9) In this section, unless the context otherwise requires—

“accident” includes the loss, stranding, abandonment of or damage to a ship; and

“specified” in relation to a direction under this section, means specified by the direction.

18. (1) If any action duly taken by a person in pursuance of a direction given to him under section 17 of this Act, or any action taken under subsection (4) or (5) of that section—

(a) was not reasonably necessary to prevent or reduce pollution, or risk of pollution; or

(b) was such that the good it did or was likely to do was disproportionately less than the expense incurred, or damage suffered, as a result of the action,

a person incurring expense or suffering damage as a result of, or by himself taking, the action shall be entitled to recover compensation from the Minister.

(2) In considering whether subsection (1) of this section applies, account shall be taken of—

(a) the extent and risk of pollution if the action had not been taken;

(b) the likelihood of the action being effective; and

(c) the extent of the damage which has been caused by the action.

(3) Any reference in this section to the taking of any action includes a reference to a compliance with a direction not to take some specified action.

(4) The Commercial Court shall have jurisdiction to hear and determine any claim arising under this section.

19. (1) If the person to whom a direction is given under section 17 of this Act contravenes, or fails to comply with, any requirement of the direction, he shall be guilty of an offence.

(2) If a person wilfully obstructs any person who is—

(a) acting on behalf of the Minister in connection with the giving or service of a direction under section 17 of this Act;

(b) acting in compliance with a direction under that section; or

(c) acting under subsection (4) or (5) of that section, he shall be guilty of an offence.

(3) In proceedings for an offence under subsection (1) of this section, it shall be a defence for the accused to prove that he has used all due diligence to ensure compliance with the direction or that he had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4). A person guilty of an offence under this section shall be liable, on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

20. (1) The Minister may by order in the Gazette provide that sections 17 to 19 of this Act, together with any other provisions of this Part of this Act stated in the order, shall apply to a ship—

(a) which is not a ship registered in Malta; and

(b) which is for the time being outside the territorial waters of Malta,

in such cases and circumstances as may be specified in the order, and subject to such exceptions, adaptations and modifications, if any, as may be so specified.

(2) Except as provided by an order made under subsection (1) of this section, no direction under section 17 of this Act shall apply to a ship which is not registered in Malta and which is for the time being outside the territorial waters of Malta, and no action shall be taken under subsection (4) or (5) of section 17 of this Act as respects any such ship.

#### PART VI

##### *Dumping at Sea*

21. (1) Subject to the provisions of this section, no person shall, except in pursuance of a licence granted under section 22 of this Act and in accordance with the terms of such licence—

(a) dump any substance or article in the territorial waters of Malta; or

(b) dump any substance or article in the sea outside the territorial waters of Malta from a Maltese ship, or a Maltese aircraft or a Maltese marine structure; or

(c) load any substance or article on to a vessel, aircraft or marine structure in Malta or in the territorial waters of Malta for dumping in the sea, whether in the territorial waters of Malta or not; or

(d) cause or permit any substance or article to be dumped or loaded as mentioned in paragraph (a), (b), or (c) above.

(2) Subject to subsections (3), (4) and (5) of this section, substances and articles are dumped in the sea for the purposes of this Part of this Act if they are permanently deposited in the sea from a vehicle, vessel, aircraft or marine structure, or from a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.

(3) A discharge incidental to or derived from the normal operation of ship, aircraft, vehicle or marine structure or of its equipment shall not constitute dumping for the purposes of this Part of this Act unless the ship, aircraft, vehicle or marine structure in question is constructed or adapted wholly or mainly for the purpose of the disposal of waste or spoil and the discharge takes place as part of its operation for that purpose.

(4) Subject to subsections (5) and (6) of this section, any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not more than £10,000 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(5) It shall be a defence for a person charged with an offence under subsection (4) of this section to prove—

(a) that the substances or articles in question were dumped for the purpose of securing the safety of a vessel, aircraft or marine structure or of saving life; and

(b) that he took steps within a reasonable time to inform the Minister that the dumping had taken place and of the locality and circumstances in which it took place and the nature and quantity of the substance or articles dumped,

unless the court is satisfied that the dumping was not necessary for any of the purposes mentioned above and was not a reasonable step to take in the circumstances.

(6) It shall be a defence for a person charged with an offence under subsection (4) of this section to prove in relation to substances or articles dumped outside the territorial waters of Malta from a Maltese ship or aircraft that they were loaded on to it in a Convention State and that the dumping was authorised by a licence issued by a responsible authority in that State.

22. (1) In determining whether or not to grant a licence, the Minister shall have regard to any Convention on dumping in the sea to which Malta is a party and to the need to protect the marine environment and the living resources which it supports from any adverse consequences of dumping the substances or articles to which the licence, if granted, will relate; and the Minister may include such conditions in a licence as appear to him to be necessary or expedient for the protection of that environment and those resources from any such consequences, and for the purpose of having regard to any Convention as aforesaid.

(2) The Minister may vary or revoke a licence if it appears to him that the licence ought to be varied or revoked because of a breach of a condition included in it or of a change of circumstances relating to the marine environment or the living resources which it supports, including a change in scientific knowledge or in order to give effect to any Convention as aforesaid.

(3) The Minister may require an applicant for a licence—

(a) to pay such fee on applying for it as may be prescribed;

(b) to supply such information and permit such examination and sampling of the substances or articles which he desires to dump, or of similar substances or articles, and to supply such information about the method of dumping which he desires to use, as the Minister may deem necessary or expedient;

(c) to pay such amount, in addition to any fee under paragraph (a) of this subsection, as the Minister may determine towards the expense of any tests which in the opinion of the Minister are necessary to enable him to decide whether a licence should be granted and the conditions which any licence that is granted is to contain, and in particular any expense incurred in connection with any monitoring to determine the effect that dumping may have or has had on the marine environment and the living resources which it supports.

(4) A licence—

(a) shall specify the person to whom it is granted;

(b) shall state whether it is to remain in force until revoked or is to expire at a time specified in the licence;

(c) shall specify the quantity and description of substances or articles to which it relates; and

(d) may make different provisions and conditions as to different descriptions of substances or articles.

(5) The Minister may transfer a licence from the holder to any other persons on the application of that person or of the holder, but shall have power to include additional conditions in a licence on transferring it.

(6) Any person who for the purpose of procuring the grant or transfer of a licence, or in purporting to carry out any duty imposed on him as a condition of a licence, knowingly or recklessly makes a false statement or knowingly or recklessly produces, furnishes, signs or otherwise makes use of a document containing a false statement shall be guilty of an offence and liable on conviction to a fine (*multa*) not exceeding £1,000 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

23. (1) The Minister may charge such public officers or other persons as he may deem proper (in this Part of the Act referred to as "enforcement officers") with ensuring compliance with this Part of this Act and with the terms and conditions of any licence granted by him under section 22 of this Act.

(2) In the performance of his duty, an enforcement officer—

(a) may at any reasonable time enter any place and board any vehicle, vessel or marine structure, and inspect the same, with or without persons and equipment to assist him in his duties;

(b) may open any container and examine and take samples of any substance or article;

(c) may examine equipment and require any person in charge of it to do anything which appears to the officer to be necessary for facilitating examination;

(d) may require any person to produce any licences, records or other documents which relate to the dumping of substances or articles in the sea and which are in his custody or possession;

(e) may require any person on board a vessel, aircraft or marine structure to produce any records or other documents which relate to it and which are in his custody or possession;

(f) may take copies of any document produced under any of the foregoing paragraphs of this subsection; and

(g) may require the attendance before him of any person he may deem necessary or expedient to examine.

24. The Minister may by order in the Gazette declare—

(a) that any procedure which has been developed for the effective application of a Convention relating to dumping in the sea to which Malta is a party, and which is specified in the order, is an accepted procedure as between Malta and the Government of any Convention State similarly specified; and

(b) that the powers conferred by section 23 of this Act may be exercised for the purpose of the enforcement of that procedure outside the territorial waters of Malta:

(i) in relation to a Maltese ship by a person authorised to enforce it by the Government of that State (hereinafter referred to as a "foreign enforcement officer"); and

(ii) in relation to a ship of that State, by an enforcement officer, and where an order has been made under this section the powers conferred by section 23 of this Act shall be exercisable in accordance with such order.

25. (1) An enforcement officer or a foreign enforcement officer shall not be liable in any civil or criminal proceedings for anything purported to be done in the exercise of the powers conferred on him by this Part of this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(2) Any person who—

(a) without reasonable excuse fails to comply with any requirement imposed, or to answer any question asked, by an enforcement officer or a foreign enforcement officer under this Part of this Act;

(b) without reasonable excuse prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such questions; or

(c) assaults any such officer while exercising any of the powers conferred on him by or by virtue of this Part of this Act or obstructs any such officer in the exercise of any of those powers, shall be guilty of an offence.



(3) A person guilty of an offence under this section shall be liable on conviction in the case of a first offence to a fine (*multa*) not exceeding £200, and in the case of a second or subsequent offence to a fine (*multa*) not exceeding £1,000, in respect of each offence.

26. (1) In any civil or criminal proceedings, a written statement purporting to be a report made by an enforcement officer or a foreign enforcement officer on matters ascertained in the course of exercising his powers under this Part of this Act shall be admissible as evidence to the like extent as oral evidence to the like effect by that officer.

(2) Subsection (1) of this section shall be taken to be in addition to and not derogate from the provisions of any other enactment relating to the reception or admissibility of documentary evidence.

## PART VII

### *General Provisions*

27. (1) Without prejudice to the powers conferred by the foregoing provisions of this Act, the Minister may make such regulations, rules or orders, or give such directions, as appear to him to be necessary or expedient for the purpose of carrying into operation any of the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, the Minister may make regulations—

(a) prescribing substances and classes of substances that are, for the purposes of this Act, pollutants;

(b) respecting the construction of ships carrying oil or other pollutants and the fitting, maintenance, testing and use of electronic and other navigational equipment on such ships, in addition to any other equipment required by any provision of the Merchant Shipping Act, 1973 or of any regulations made thereunder;

(c) respecting the supplies and equipment to be carried by and the fittings and installations required on ships carrying oil or other pollutants for handling the oil or other pollutant and dealing with any discharge thereof;

(d) prescribing procedures to be followed when oil or other pollutants are loaded or unloaded from a ship in the territorial waters of Malta or are transferred on board a ship in such waters;

(e) prescribing the supplies and equipment to be maintained by the operators of offshore and onshore facilities for ships for use in any discharge of oil or other pollutant;

(f) prescribing measures for the protection of the marine environment against pollution by garbage and sewage from ships;

(g) requiring persons carrying on any trade, business or manufacture in Malta to install such equipment and to take such other measures as may

be prescribed for the purpose of preventing or controlling pollution of the sea by any trade effluent;

(h) prescribing quantities of oil or other pollutants for the purposes of the definition of "in bulk" in this Act;

(i) respecting the method of retention of oil waste or other wastes by ships carrying oil or other pollutants;

(j) prescribing anything that is required or authorised by this Act to be prescribed.

(2) Any power conferred on the Minister by this Act to make regulations, rules or orders, or to give directions, shall include power—

(a) to vary, alter or revoke any such regulation, rule, order or direction, without prejudice to the making of a new regulation, rule or order, or the giving of a new direction;

(b) subject to such limitations or other express provision contained in this Act, to provide for fines (*multa* or *ammenda*) not exceeding £10,000 or imprisonment not exceeding six months, or both, and for such other sanction as the Minister may deem appropriate;

(c) to make such transitional or other incidental or supplementary provision as may appear to the Minister to be appropriate.

(3) Regulations, rules and orders made, and directions given, under any of the provisions of this Act may be made or given in the English language only.

28. (1) The Minister may appoint or designate any person as an inspector to report to him, either generally or for specific purposes or on special occasions,—

(a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act have been complied with;

(b) what measures should be or need to be taken to prevent the discharge of oil and other pollutants.

(2) A person appointed or designated under subsection (1) of this section shall have power—

(a) to go on board any vessel and inspect the vessel or any part thereof or any of the machinery, boats, equipment or articles on board or any apparatus for transferring oil or other pollutant, for the purpose of subsection (1) of this section and of ascertaining the circumstances relating to an alleged discharge of oil or other pollutant from the vessel into the waters;

(b) to go on board any vessel which is within the territorial waters of Malta and which he has reasonable grounds to suspect to be bound for a place in Malta, and to conduct such inspections of the vessel as will

enable him to determine whether the vessel complies with any of the provisions of this Act or of the regulations made thereunder that are applicable to the vessel;

(c) to go on board any vessel and test any equipment on board with which the vessel is required to be fitted in pursuance of regulations made under this Act;

(d) to require the production of any record book required to be carried and any records required to be kept in pursuance of regulations made under this Act;

(e) to go on board any Convention ship while the ship is within a port or terminal in Malta, and to require production of any record book, document or certificate required to be carried in accordance with the Convention;

(f) to copy any entry in any such book or record and require the master to certify the copy as a true copy of the entry;

(g) to order any ship to proceed out of the territorial waters of Malta by such route and in such manner as he may direct, to remain outside such waters or to proceed to and moor, anchor or remain for a reasonable time specified by him and in a place selected by him that is within the territorial waters of Malta—

- (i) if he suspects, on reasonable grounds, that the ship fails to comply with any of the provisions of this Act or of the regulations made thereunder that is or may be applicable to it; or
- (ii) if, by reason of weather, visibility, sea conditions, the condition of the ship or any of its equipment, or any deficiency in its complement or the nature and condition of its cargo, he is satisfied that such an order is justified to prevent the discharge of oil or other pollutant;

(h) order any ship that he suspects, on reasonable grounds, to be carrying oil or other pollutant, to proceed through the territorial waters of Malta by a route prescribed by him and at a rate of speed not in excess of a rate stated by him; and

(i) where he is informed that a substantial quantity of a pollutant has been discharged in the territorial waters of Malta or has entered such waters, or where on reasonable grounds he is satisfied that a grave and imminent danger of a substantial discharge of a pollutant exists—

- (i) order all ships within a specified area in the territorial waters of Malta to report their condition to him; and
- (ii) order any ship to take part in the clean up of such oil or other pollutant or in any action to control or contain the pollutant.

(3) An inspector exercising any powers conferred by subsection (2) of this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

(4) Any power conferred by this section to test any equipment on board a ship shall be construed as including a power to require persons on board the ship to carry out such work as may be requisite for the purpose of testing the equipment.

(5) Compensation shall be due and paid to the owner of any ship for services rendered by such a ship in compliance with an order under subparagraph (ii) of paragraph (i) of subsection (2) of this section.

(6) If any person binds or attempts to hinder any inspector from going on board any vessel or otherwise impedes or attempts to impede him in the execution of his duties or functions under this section, or fails without reasonable excuse to comply with any lawful requirement of the inspector, or prevents or attempts to prevent any other person from complying with any such requirement or knowingly makes a false or misleading statement either verbally or in writing, to an inspector, that person shall for each offence be liable to a fine (*multa*) not exceeding £1,000.

29. (1) If the Minister is satisfied—

(a) that the Government of any country has accepted, or has denounced a Convention; or

(b) that a Convention extends, or has ceased to extend, to any territory,

he may, by order in the Gazette, make a declaration to that effect.

(2) In this Act “Convention” means a Convention to which the Government of Malta is a party and which relates, or in so far as it relates, to the prevention of pollution of the sea.

30. (1) The Minister may by order in the Gazette direct that, subject to such exceptions and modifications as may be specified in the order, any provisions of this Act or of any regulations made thereunder, which do not apply to ships registered in countries and territories other than Malta shall apply to such ships at any time when they are in a port in Malta, or are within the territorial waters of Malta while on their way to or from a port in Malta.

(2) An order under subsection (1) of this section shall not be made so as to impose different requirements in respect of ships of different countries or territories; but if the Minister is satisfied, as respects any country or territory, that ships registered there are required by the law of that country or territory to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the order, the Minister may by order in the Gazette direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with such of those provisions as are applicable thereto under the law of that country or territory.

(3) No provision shall by virtue of an order made under this section apply to any ship as being within a port in Malta, or on her way to or from such a port, if the ship would not have been within the port, or as the case may be, on her way to or from the port, but for stress of weather or any other circumstances which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

31. (1) Where the Minister has reasonable cause to believe that any oil or other pollutant or any mixture containing oil or other pollutant has been discharged from any ship and the owner of the ship has incurred a liability under section 8 or under section 10 of this Act, the ship may be detained until the owner or insurers of the ship deposit with the Government a sum of money, or furnish such security, which would in the opinion of the Minister be adequate to meet the owner's liability under those sections.

(2) If a ship attempts to leave a port in Malta or the territorial waters of Malta or a terminal within such waters in contravention of section 22 of this Act the ship may be detained.

(3) Where a ship is to be or may be detained any commissioned officer in the military service of Malta, any police officer not below the rank of inspector, any officer of Customs, or a proper officer, may detain the ship; and if the ship after detention, or after service on the master of a notice of detention, proceeds to sea before it is released by competent authority, the master of the ship, and also the owner and any person who sends the ship to sea, if that owner or person is party or privy to the act of sending the ship to sea, shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding £50,000.

(4) Any person authorised under this section to detain a ship may, if he thinks it necessary, place a police or other guard on board and take such other measures as would impede the ship from proceeding to sea.

32. Where the owner or master of a ship has been convicted of an offence under the provisions of this Act and any fine imposed under this Act is not paid at or within the time ordered by the court, the court shall, in addition to any powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel, and such court shall, for the purposes of this section, have all the powers as are by law conferred on the Commercial Court.

33. (1) Save as provided in section 18 of this Act, any action taken or omitted to be taken by the Minister under this Act, or by any person acting under the authority of the Minister or otherwise in the execution of this Act, shall not in any circumstances make the Minister, whether personally or in representation of the Government, liable to any action, liability or claim whatsoever.

(2) Any person acting under the authority of the Minister or otherwise in the execution of this Act shall not be personally liable for any

damage or loss resulting from any act or default of such person in carrying out his duties as aforesaid unless it is proved that the act or default was not done *bona fide*.

34. The provisions of this Act shall not apply to, or in relation to, any warship or any ship for the time being used by the Government of Malta or by the Government of any foreign State for any purpose other than commercial purposes.

35. The Minister may exempt any ships or classes of ships from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he may deem appropriate.

36. (1) Nothing in this Act shall prejudice any claim, or the enforcement of any claim, a person incurring any liability under this Act may have against another person in respect of that liability.

(2) Nothing in this Act shall affect any restriction imposed by or under any other enactment or shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

37. The enactments mentioned in the first column of the Schedule to this Act shall have effect subject to the amendments and repeals specified in relation thereto in the second column of that Schedule.

## 6. NEW ZEALAND

### (a) MARINE POLLUTION ACT 1974<sup>1</sup>

*Be it enacted* by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short title and commencement—(1) This Act may be cited as the Marine Pollution Act 1974.

(2) This Act shall come into force on a date to be fixed by the Governor-General by Order in Council. Different dates may be so fixed in respect of different provisions of this Act.

2. Interpretation—(1) In this Act, unless the context otherwise requires—

...

“Barge” includes a lighter or any similar vessel;

“Continental shelf” has the same meaning as in the Continental Shelf Act 1964;

“Dumping”—

(a) In relation to waste or other matter, means the deliberate disposal into the sea of the waste or other matter; and

<sup>1</sup> Of 6 April 1974. Effective on 1 July 1974 pursuant to Marine Pollution Act Commencement Order 1974, except for sections 37 to 39 which came into force on 31 March 1976 pursuant to the Marine Pollution Act Commencement Order 1976. This Act repeals the Oil in Navigable Waters Act 1965 which is reproduced in ST/LEG/SER.B/15, p. 502. Text provided by the Permanent Representative of New Zealand to the United Nations in a note verbale of 29 June 1977.

(b) In relation to a ship, an aircraft, an offshore installation, a fixed or floating platform, or any other artificial structure which is situated in the sea or on the sea-bed, means a deliberate disposal into the sea or abandonment at sea of the same; but does not include the disposal of waste or other matter incidental to, or derived from, the normal operations of ships, aircraft, offshore installations, platforms, or other man-made structures at sea or their equipment, or the disposal of waste or other matter in the construction of any harbour works as defined in section 2 of the Harbours Act 1950; and "to dump" and "dumped" have corresponding meanings;

...

"Harbourmaster" includes any person specially appointed by a Harbour Board for the purpose of enforcing the provisions of this Act in relation to the harbour; and, in relation to a harbour which has no Harbourmaster, references to the Harbourmaster shall be read as references to the Harbour Board;

"Heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C when tested in the manner for the time being prescribed by regulations made under this Act, or, while no such regulations are in force, when tested by ASTM (American Society for Testing and Materials) Standard Method D.86/59;

"Home-trade ship" has the same meaning as in the Shipping and Seamen Act 1952;

"Incident", in relation to pollution damage, means any occurrence, or any series of occurrences having the same origin, which causes the damage;

"Internal waters of New Zealand" means—

(a) Harbours, estuaries, and other areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand; and

(b) Rivers and other inland waters of New Zealand that are navigable by ships;

"Marine life" means any species of the plant or animal kingdoms which at any time of the life of the species inhabits the sea or foreshore; and includes any specimen of the species whether alive or dead, and any part of any specimen, and the seed, spores, eggs, spawn, young, fry, and offspring of the species;

"Master" includes any person (not being a pilot) having command of or being in charge of any ship;

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

"Minister" means the Minister of Transport;

“Natural resources” has the same meaning as in the Continental Shelf Act 1964;

...

“New Zealand waters” means the internal waters of New Zealand and the territorial sea of New Zealand;

“Offshore installation” includes—

(a) Any installation or device or anything (whether permanent or temporary) constructed, erected, placed, or used in or on or above the bed and subsoil of any New Zealand waters; and

(b) Any such installation or device (whether permanent or temporary) constructed, erected, placed, or used in or on or above the sea-bed and subsoil of the continental shelf in connexion with the exploration of the sea-bed and subsoil and the exploitation of the natural resources thereof; and

(c) Anything afloat (other than a ship) if it is anchored or attached to the bed or shore of any New Zealand waters, or if it is anchored or attached to the bed of the waters over the continental shelf in connexion with the exploration and exploitation of the natural resources thereof; and

(d) Any structure connecting an offshore installation with any other offshore installation; but does not include a pipeline;

“Oil” means oil of description in any form; and, without limiting the generality of the foregoing provisions of this definition, includes spirits and other distillates produced from oil of any description; and also includes coal tar, bitumen, bitumen emulsions, fuel oil, sludge, oil refuse, and oil mixed with wastes; and references to oil shall be construed as a reference to mixtures of oil with water or with any other substance;

Provided that, in relation to any ship to which section 32 of this Act applies, the term “oil” has the meaning defined in subsection (9) of that section;

“Oil residues” means any waste material consisting of, or arising from, oil or a mixture containing oil;

“Outside New Zealand waters” means outside the seaward limits of the territorial sea of New Zealand;

“Owner”—

(a) In relation to any ship (other than a ship to which section 32 of this Act applies), includes—

(i) Any person interested in or in possession of the ship; and in Parts I, II, and III and section 30 of this Act, includes any salvor in possession of the ship, and any servant or agent of any salvor in possession of the ship; and



- (ii) Any charterer, manager, or operator of the ship, or any other person for the time being responsible for the navigation or management of the ship; and
- (iii) Any agent in New Zealand of the owner, charterer, manager, or operator, as the case may be; and
- (iv) Any agent for the ship;
- (b) In relation to any ship to which section 32 of this Act applies, has the meaning defined in subsection (9) of that section;
- (c) In relation to an offshore installation, includes—
  - (i) The person having any right or privilege or licence to explore the sea-bed and subsoil and to exploit the natural resources thereof in connexion with which the offshore installation is or has been or is to be used; and
  - (ii) The agent or servant of the owner or the manager or licensee for the time being of the installation, or the person in charge of any operations connected therewith;

“Pipeline” means a pipeline used for the conveyance of gas (including natural gas), oil, water, or any other mineral, liquid, or substance, or any mixture of the same; and includes all fittings, pumps, tanks, appurtenances, and appliances connected to a pipeline;

“Place on land” means any place on dry land or any place connected with dry land; and the term “occupier”, in relation to a place on land which has no other occupier, means the owner thereof, and, in relation to a railway wagon or road vehicles, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands;

“Pollutant” means any substance, or any substance that is part of a class of substances, declared by the Governor-General pursuant to subsection (2) of this section to be a pollutant for the purposes of this Act; and includes any water contaminated by any such substances; and a reference to any pollutant shall be construed as a reference to mixtures of a pollutant with water or with any other substance;

“Pollution damage” means damage of any kind whatsoever occurring in New Zealand or in New Zealand waters which is attributable to the discharge or escape of oil, or (except in the case of any provision relating only to damage attributable to oil) any pollutant into the sea, whether New Zealand waters or not; and includes the costs of reasonable preventive measures taken in New Zealand or in New Zealand waters or outside those waters to prevent or reduce pollution damage and any further loss or damage occurring as a result of such measures; and in Part V of this Act also includes expenses reasonably incurred and sacrifices reasonably made by the owner of a ship voluntarily to prevent or reduce pollution damage; and for the purposes of this definition the term “damage” includes loss;

“Reception facilities”, in relation to any harbour, means facilities for enabling ships using the harbour to discharge or deposit oil residues or residues from any pollutant;

“Sea” means all areas of the sea (whether New Zealand waters or not); and includes any estuary or arm of the sea;

“Ship” means every description of vessel (including any boat, barge, craft, or other contrivance) used in or on or under the sea, without regard to the method of or the lack of propulsion;

“Shipping casualty” means a collision of ships, the loss, stranding or abandonment of any ship, or any other incident occurring outside any ship or on board any ship or to any ship resulting in material damage or the risk of material damage to any ship or cargo or both;

“Special permit” means a permit to dump waste or other matter issued pursuant to section 22 of this Act;

“Territorial sea of New Zealand” has the same meaning as in the Territorial Sea and Fishing Zone Act 1965;

...

“Waste or other matter” means material and substances of any kind, form, or description; and, without limiting the generality of the foregoing provisions of this definition, includes oil and any substance (whether or not it has been declared to be a pollutant pursuant to subsection (2) of this section).

(2) The Governor-General may from time to time, by Order in Council, declare to be a pollutant for the purposes of this Act or of any provision of this Act any substance, or any class of substances, other than oil, which, in the opinion of the Governor-General, when added to any waters has the effect of contaminating those waters so as to make the waters unclean, noxious, or impure, or as to be detrimental to the health, safety, or welfare of any person, or as to be poisonous or harmful to marine life of any description in any waters.

(3) Any reference in this Act to the discharge or escape of oil or any pollutant, or to any oil or pollutant being discharged from any ship or offshore installation or place or thing or pipeline or apparatus, or as the result of any of the operations mentioned in section 5 of this Act (except where the reference is to its being discharged for a specified purpose) includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, or emptying of that oil or pollutant, as the case may be, howsoever it is caused and howsoever it occurs; but does not include dumping.

(4) For the purposes of any provision of this Act relating to the discharge or escape of oil or a mixture containing oil from a ship, any floating craft (other than a ship) which is attached to a ship shall be treated as part of the ship.

...

## PART I

*Prevention of pollution*

3. Discharge of oil or pollutants into New Zealand waters—(1) If any oil or pollutant is discharged or escapes into New Zealand waters from any ship, or from any place on land, or from any apparatus used for transferring oil or a pollutant from or to any ship (whether to or from a place on land or to or from another ship), or from an offshore installation, or as the result of any operations for the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof, or from a pipeline, then, subject to the provisions of this Act,

(a) If the discharge or escape is from a ship, the owner or master of the ship; or

(b) If the discharge or escape is from a place on land, the occupier of that place; or

(c) If the discharge or escape occurs during the course of transferring oil or a pollutant to or from a ship, the owner or master of the ship, or, where the discharge or escape is from any apparatus used for transferring oil or a pollutant, the person in charge of the apparatus; or

(d) If the discharge or escape is from an offshore installation or as the result of any operations for the exploration of the sea-bed and subsoil or the exploitation of the natural resources thereof, the owner or the person carrying on the operations or the person in charge of the operations; or

(e) If the discharge or escape is from a pipeline, the owner of the pipeline—

commits an offence under this section.

(2) Without limiting the liability for an offence under this section of any person mentioned in subsection (1) of this section, where that person is not the person whose act or omission caused the discharge or escape, then, whether or not that first-mentioned person establishes any of the defences mentioned in subsection (3) or subsection (5) of section 6 of this Act, the person whose act or omission caused the escape also commits an offence under this section.

(3) Regulations made under section 68 of this Act may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or specifically or in relation to particular descriptions of oil or pollutants or to the discharge or escape of oil or pollutants in particular circumstances, or in relation to any area of the sea specified by the regulations.

4. Discharge of oil or pollutant into waters outside New Zealand waters—(1) If any oil or pollutant to which this section applies is discharged or escapes from a New Zealand ship or a home-trade ship into any part of

the sea outside New Zealand waters, then, subject to the provisions of this Act, the owner or master of the ship commits an offence under this section.

(2) This section applies to—

(a) Crude oil, fuel oil, lubricating oil, and heavy diesel oil;

(b) Any other description of oil to which this section is for the time being declared to apply by regulations made under this Act, having regard to the provisions of any International Convention, or to the persistent character of oil of that description or to the likelihood that it would cause pollution or that it would be harmful to marine life;

(c) Any pollutant to which this section is for the time being declared to apply by regulations made under this Act, having regard to the provisions of any International Convention, or to the character and nature of the pollutant or to the likelihood that it would cause pollution or that it would be harmful to marine life.

(3) Regulations made under section 68 of this Act may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or in relation to particular classes of ship or to any specified ship, or in relation to particular descriptions of oil or pollutants or to the discharge or escape of oil or pollutants in particular circumstances, or in relation to any area of the sea specified in the regulations.

5. Discharge of oil or pollutant as the result of exploration or exploitation of the sea-bed—(1) If any oil or pollutant is discharged or escapes into any part of the sea—

(a) From a pipeline within New Zealand waters or on the continental shelf; or

(b) Otherwise than from a ship, as a result of any operations for the exploration of the sea-bed or subsoil of the continental shelf or the exploitation of the natural resources thereof, or from an offshore installation—

the owner of the pipeline, or, as the case may be, the person carrying on the operations, or the owner of the offshore installation, commits an offence under this section.

(2) Without limiting the liability for an offence under this section of any person mentioned in subsection (1) of this section, where that person is not the person whose act or omission caused the discharge or escape, then, whether or not that first-mentioned person establishes any of the defences mentioned in subsection (3) or subsection (5) of section 6 of this Act, the person whose act or omission caused the escape also commits an offence under this section.

6. Special defences—(1) Where a person is charged with an offence under section 3 or section 5 of this Act, or is charged with an offence under section 4 of this Act as the owner or master of a ship, it shall be a defence

to prove that the oil or pollutant, as the case may be, in respect of which the offence is alleged to have been committed was discharged for the purpose of securing the safety of any ship or offshore installation, or of preventing damage to any ship or cargo, or of saving life:

Provided that a defence under this subsection shall not have effect if the Court is satisfied that the discharge of the oil or pollutant, as the case may be, was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in subsection (1) of this section, it shall also be a defence to prove that the oil or pollutant escaped in consequence of major structural damage—

(a) The ship; or

(b) Any offshore installation, or any apparatus other than a ship used in or for any operations for the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof,

which occurred without the negligence or deliberate act of that person:

Provided that it shall not be a defence under this subsection, unless as soon as possible in the circumstances after the damage occurred all reasonable steps were taken to prevent or, if it could not be prevented, to stop or reduce the escape of the oil or pollutant.

(3) It shall be a defence for a person charged with an offence mentioned in subsection (1) of this section in the case of a discharge or escape from a place on land of which he is the occupier, to prove that the discharge or escape was caused by the act or omission of a person who was in that place without the permission (express or implied) of the occupier:

Provided that a defence under this subsection shall not have effect if the Court is satisfied that the person charged—

(a) Had not taken all reasonable steps to prevent the person who actually caused the discharge or escape from obtaining access to the place; and

(b) Had not complied with the requirements of any other Act applying to that place.

(4) Where a person is charged with an offence under section 3 of this Act as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a pollutant has been discharged or has escaped, it shall be a defence to prove that the discharge or escape was not due to the want of reasonable care, and that immediately the discharge or escape was discovered all reasonable steps were taken to stop or reduce it.

(5) Where any oil or pollutant is discharged or escapes in consequence of the exercise by any Minister of the Crown or any Harbour Board or any Receiver of Wreck of any power conferred on him or it by or under section 208 of the Harbours Act 1950 or section 353 of the

Shipping and Seamen Act 1952, and apart from this subsection the Minister or Board or Receiver exercising the power or a person employed by or acting on his or its behalf would commit an offence under section 3 or section 4 of this Act in respect of that discharge or escape, the Minister or Board or Receiver or person shall not be convicted of that offence if it is shown that he or it took all practicable steps to prevent, stop, or reduce the discharge.

7. Equipment in ships to prevent pollution—(1) For the purpose of preventing or reducing discharges or escapes of oil or pollutants into the sea, regulations may be made under section 68 of this Act requiring New Zealand ships, home-trade ships, and any other ships while they are within New Zealand waters, to be fitted with such equipment, and to comply with such requirements, as may be prescribed.

(2) Without prejudice to the generality of subsection (1) of this section, where any regulations made pursuant to that subsection require ships to be fitted with equipment of a prescribed description, the regulations may provide that equipment of that description—

(a) Shall not be installed in a ship to which the regulations apply, unless the equipment is of a type tested and approved by a person appointed by the Minister; or

(b) While installed in such a ship, shall not be regarded as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, the equipment is submitted for testing and is approved by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made pursuant to this section, and, in respect of the carrying out of any such tests, may charge such fees as may be prescribed by the regulations.

(4) Every Surveyor of Ships appointed under section 13 of the Shipping and Seamen Act 1952 shall be deemed to be a person appointed by the Minister to carry out tests for the purposes of any regulations made pursuant to this section, so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If in the case of any ship the provisions of any regulations made pursuant to this section which apply to that ship are contravened, the owner or master of the ship commits an offence under this section.

8. Equipment in ships to deal with pollution—(1) For the purpose of cleaning up or removing or dispersing any oil or pollutant in or on the sea, regulations may be made under section 68 of this Act requiring New Zealand ships, home-trade ships, and any other ships while they are within New Zealand waters, to carry such equipment and to comply with such requirements, as may be prescribed.

(2) Without prejudice to the generality of subsection (1) of this section, where any regulations made pursuant to that subsection require

ships to carry equipment of a prescribed description, the regulations may provide that equipment of that description—

(a) Shall not be installed in a ship to which the regulations apply, unless the equipment is of a type tested and approved by a person appointed by the Minister; and

(b) While carried on board such a ship, shall not be regarded as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, the equipment is submitted for testing and is approved by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made pursuant to this section, and, in respect of the carrying out of any such tests, may charge such fees as may be prescribed by the regulations.

(4) Every Surveyor of Ships appointed under section 13 of the Shipping and Seamen Act 1952 shall be deemed to be a person appointed by the Minister to carry out tests for the purposes of any regulations made pursuant to this section, so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If in the case of any ship the provisions of any regulations made pursuant to this section which apply to that ship are contravened, the owner or master of the ship commits an offence under this section.

9. Equipment for pipelines and offshore installations—(1) Regulations may be made under section 68 of this Act requiring the owner of a pipeline in New Zealand waters or on the continental shelf or the owner or occupier of a place on land, or the owner of an offshore installation, or the person carrying on operations within New Zealand waters or on the continental shelf or in waters above the continental shelf for the exploration of the sea-bed and subsoil and the exploitation of the natural resources thereof, to install or carry on board or to have readily available such equipment, and to comply with such requirements, as may be prescribed.

(a) For the purpose of reducing or preventing the discharge or escape of oil or any pollutant into the sea or on to the sea-bed; and

(b) For the purpose of cleaning up, or removing, or dispersing any oil or pollutant that is discharged or escapes into the sea or on to the sea-bed.

(2) Without prejudice to the generality of subsection (1) of this section, where any regulations made pursuant to that subsection require equipment of a prescribed description to be installed, carried on board, or readily available, the regulations may provide that equipment of that description—

(a) Shall not be used, unless it is of a type tested and approved by a person appointed by the Minister; and

(b) While installed, carried on board, or available, shall not be regarded as satisfying the requirements of the regulations unless, at such

times as may be specified in the regulations, the equipment is submitted for testing and is approved by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made pursuant to this section, and, in respect of the carrying out of any such tests, may charge such fees as may be prescribed by the regulations.

(4) Every Surveyor of Ships appointed under section 13 of the Shipping and Seamen Act 1952 shall be deemed to be a person appointed by the Minister to carry out tests for the purposes of any regulations made pursuant to this section, so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If the provisions of any regulations made pursuant to this section are contravened, the owner or occupier, as the case may be, commits an offence under this section.

10. Penalties—Every person who commits an offence under any of the provisions of sections 3 to 9 of this Act—

(a) Is liable on summary conviction to a fine not exceeding \$50,000; and

(b) Is also liable to pay such amount as the Court may assess in respect of the expenses and costs that have been incurred or will be incurred in removing or cleaning up or dispersing any oil or pollutant to which the offence relates from any New Zealand waters or from any foreshore or harbour works in New Zealand.

11. Records—(1) Regulations may be made under section 68 of this Act requiring the master of a New Zealand ship or home-trade ship to carry a record book, whether as part of the ship's official log book or as a separate record book, and to keep in that book records of—

(a) Any occasion on which oil is found to be escaping or to have escaped or is discharged from the ship; and

(b) Any occasion on which oil is discharged from the ship for the purpose of securing the safety of any ship or of preventing damage to any ship or cargo or of saving life; and

(c) Any occasion on which oil is found to be escaping or to have escaped, or is discharged, from the ship in consequence of damage to the ship, or by reason of leakage; and

(d) The carrying out, on board or in connexion with the ship, of such operations as may be prescribed, being operations relating to—

(i) The ballasting and cleaning of oil tanks (whether cargo or bunker-fuel tanks) and the discharge of ballast or cleaning water or any other substance from any such tanks; or

(ii) The separation of oil from water, or from other substances, in any mixture containing oil; or



- (iii) The loading of oil cargo; or
- (iv) The transfer of oil cargo during a voyage to or from a ship, or between tanks within a ship; or
- (v) The discharge of oil cargo; or
- (vi) The discharge or other disposal of any oil, or water, or any other substance, arising from operations relating to any of the matters specified in subparagraphs (i) to (v) of this paragraph; or
- (vii) The discharge or disposal of any other oil residues or sediments or of any other mixture containing oil.

(2) Regulations may be made under section 68 of this Act requiring the keeping of records of all or any of the matters specified in subsection (1) of this section while a ship is within New Zealand waters or requiring the keeping of records relating to the transfer of oil to and from ships while within New Zealand waters. In the case of ships in respect of which requirements are imposed pursuant to subsection (1) of this section any requirements imposed pursuant to this section shall be in addition to those imposed pursuant to the said subsection (1).

(3) Regulations made under section 68 of this Act may require the person in charge (other than the master) of a barge, dracone, or other like craft or the owner of or person in charge of any offshore installation or of any apparatus being used for operations relating to the exploration of the sea-bed and subsoil of New Zealand waters or the continental shelf and the exploitation of the natural resources thereof to comply with each of the matters specified in subsection (1) of this section, as far as applicable and with the necessary modifications, as are specified in the regulations.

(4) Regulations made under section 68 of this Act may require the master of a New Zealand ship or home-trade ship, or the person in charge of a barge, dracone, or other like craft, or the owner or person in charge of an offshore installation or any apparatus, or the master of any ship while that ship is in New Zealand waters, to carry thereon a record book, whether as part of an official log book or as a separate record book, and to keep in that book records relating to the discharge or escape of pollutants, the loading or unloading of pollutants, the transfer of pollutants, and any other operations in respect of pollutants that may be prescribed.

(5) The provisions of subsection (1) of this section, as far as they are applicable and with the necessary modifications, shall apply with respect to the making of regulations pursuant to subsection (4) of this section.

(6) Where by virtue of regulations made pursuant to this section records are required to be kept, the regulations may—

- (a) Prescribe the manner and form of the records to be kept; and

(b) The nature of the entries to be made; and

(c) The period of time for which the records must be kept by the person keeping them; and

(d) The transfer of custody of the records at the end of that period of time; and

(e) The ultimate disposal of the records.

(7) Every person commits an offence who fails to comply with any requirement imposed by or under this section, and is liable on summary conviction to a fine not exceeding \$3,000.

(8) Every person commits an offence who makes an entry in any records kept pursuant to regulations made pursuant to this section which is to his knowledge false or misleading in any material particular, and is liable on summary conviction to imprisonment for a term not exceeding one year, or to a fine not exceeding \$3,000, or to both.

(9) In any proceedings under this part of this Act—

(a) Any records kept pursuant to regulations made pursuant to this section shall be admissible as evidence of the facts stated in those records;

(b) Any copy of an entry in any such records, which is certified by the person by whom the records are required to be kept to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;

(c) Any document purporting to be records to which paragraph (a) of this subsection applies, or purporting to be such a certified copy as is mentioned in paragraph (b) of this subsection, shall, unless the contrary is proved, be presumed to be such record, or such a certified copy, as the case may be.

...

14. Restrictions on transfer of oil or pollutants—(1) No oil or pollutant shall be transferred to or from a ship in any harbour in New Zealand, unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil or pollutant at the request or direction of a fire brigade.

...

(4) If any oil or pollutant is transferred to or from a ship in contravention of this section, the master of the ship, and, if the oil or pollutant is transferred from or to a place on land, the occupier of that place, commits an offence and is liable on summary conviction to a fine not exceeding \$3,000.

...

15. Master of overseas ship carrying oil to notify Harbourmaster—

(1) The master of every ship arriving in New Zealand from overseas carrying oil in bulk as cargo or carrying a pollutant in bulk as cargo shall—

(a) Send by radio to the Harbourmaster at the first port of call in New Zealand, so as to be delivered to him not later than 12 hours before the arrival of the ship thereat, notice of the fact that oil or a pollutant is being carried as aforesaid and specifying the nature of the oil or pollutant carried and the quantity carried; and

(b) Before proceeding from any port in New Zealand to any other such port, send a similar notice to the Harbourmaster at the last-mentioned port by such means as will ensure its being delivered as least 12 hours before the arrival of the ship.

(2) The master of any ship proceeding to any port in New Zealand from any other port in New Zealand carrying oil in bulk or a pollutant in bulk, as cargo, whether or not the oil or pollutant or any part thereof is to be discharged at the first-mentioned port, shall send to the Harbourmaster at the first-mentioned port, by such means as will ensure its being delivered at least 12 hours before the arrival of the ship, a notice of the fact that oil or a pollutant is being carried as aforesaid and specifying the nature of the oil or pollutant carried and the quantity carried.

(3) If the master of any ship fails to comply with the requirements of this section, he commits an offence, and is liable on summary conviction to a fine not exceeding \$3,000.

(4) In any proceedings for an offence against this section it shall be a good defence to prove that notice to the effect required by this section was given to the Harbourmaster by the owner of the ship, or by any other person, within the time limited by this section.

16. Duty to report discharges of oil or pollutants—(1) If any oil or pollutant is discharged or escapes into any part of the sea from a New Zealand ship or a home-trade ship, or from a place on land, or from a pipeline in New Zealand waters or on the continental shelf, or from an offshore installation, or as the result of operations for the exploration of the sea-bed and subsoil of any New Zealand waters or the continental shelf or the exploitation of the natural resources thereof, the owner or master of the ship, or the occupier of the place on land, or the owner of the pipeline, or the owner of the offshore installation, or the person carrying on the operations, as the case may be, shall immediately, by the quickest means available to him, by radio if possible, report the occurrence to the Harbourmaster in the case of a discharge or escape into a harbour and to the Minister in the case of a discharge or escape otherwise than into a harbour.

(2) If any oil or pollutant is discharged or escapes into New Zealand waters from a ship other than a New Zealand ship or home-trade ship, the owner or master of the ship shall immediately, by the quickest means avail-

able to him, report the occurrence to the Harbourmaster in the case of any discharge or escape into a harbour, and to the Minister in the case of any discharge or escape otherwise than into a harbour.

...

(4) If—

(a) A New Zealand ship or home-trade ship becomes stranded or is abandoned anywhere (whether in New Zealand waters or not); or

(b) A ship (other than a New Zealand ship or home-trade ship) becomes stranded or is abandoned in New Zealand waters,

the owner shall immediately, by the quickest means available to him, by radio if possible, report the occurrence to the Minister, giving full details of the damage to the ship, the state of the cargo, a complete list of all oil and all pollutants carried (including the description and quantity of each type of oil or pollutants, as the case may be, carried), and a statement or estimate of the quantity of each type of oil or pollutant that has been discharged or escaped or that may be discharged or may escape.

(5) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$10,000, who—

(a) Fails to comply with any provision of this section; or

(b) Makes a report containing any information which to his knowledge is false or misleading in any material particular.

...

18. Shipping traffic controls—(1) For the purpose of ensuring the safety of navigation in New Zealand waters and in adjacent waters, regulations may be made under section 68 of this Act, establishing any or all of the following:

(a) Shipping traffic lanes;

(b) Shipping traffic controls;

(c) Shipping traffic control zones;

(d) Shipping traffic control centres.

(2) Regulations made pursuant to subsection (1) of this section may require ships to comply with such requirements as may be prescribed, and may prescribe the functions of any shipping control centre.

(3) Without limiting the generality of subsection (2) of this section, regulations made pursuant to subsection (1) of this section may provide that any ship navigating in any shipping traffic lane or shipping traffic control zone, or which is subject to any other shipping traffic control established pursuant to the regulations shall—

(a) Carry an authorized pilot; or

(b) Maintain a radio listening watch on any frequency prescribed and for such period or periods of time as may be prescribed; or

(c) Report to any shipping traffic control centre at such times and on the happening of such events as may be prescribed; or

(d) Obtain a clearance to enter or to leave any shipping traffic lane or shipping traffic control zone; or

(e) While in a shipping traffic lane or a shipping traffic control zone, comply with any directions given by a shipping traffic control centre or by a Harbourmaster or by a pilot or by the Minister by any person authorized by him.

(4) Regulations made pursuant to subsection (1) of this section may make exceptions from the operation of the regulations, either absolutely or subject to any prescribed conditions, and either generally or with respect to particular classes of ships or to particular ships.

(5) Where a ship fails to comply with the provisions of any regulations made pursuant to this section, the owner or the master commits an offence, and is liable on summary conviction to a fine not exceeding \$20,000.

19. Enforcement of Convention relating to oil pollution—(1) Regulations made under section 68 of this Act may empower such persons as may be designated by or under the regulations to go on board any ship to which the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962 applies while the ship is within New Zealand waters, and to require production of any records required to be kept in accordance with that Convention.

...

## PART II

### *Dumping of wastes into the sea*

20. Application of this Part—This Part of this Act shall apply to—

(a) All ships and aircraft which in New Zealand or in New Zealand waters take on board waste or other matter for the purpose of dumping the same at sea;

(b) All ships and aircraft which dump waste or other matter in New Zealand waters;

(c) All ships (being New Zealand ships or home-trade ships) which dump waste or other matter into the sea;

(d) All New Zealand aircraft which dump waste or other matter into the sea;

(e) Every offshore installation or fixed or floating platform or other artificial structure which is situated in the sea or on the sea-bed and is under New Zealand jurisdiction;

(f) All ships and aircraft dumped into New Zealand waters, and all New Zealand ships and New Zealand aircraft dumped into the sea.

21. Offence to dump waste or other matter—(1) If—

(a) Any waste or other matter is dumped into New Zealand waters, without a special permit, from any ship or aircraft to which this Part applies; or

(b) Any waste or other matter is discharged into the sea, without a special permit, from any New Zealand ship or home-trade ship or New Zealand aircraft or from any offshore installation or fixed or floating platform or other artificial structure to which this Part applies; or

(c) A ship or aircraft is dumped into New Zealand waters without a special permit; or

(d) An offshore installation or fixed or floating platform or other artificial structure to which this Part applies is dumped into the sea without a special permit; or

(e) Any waste or other matter is taken on board any ship or aircraft in New Zealand or in New Zealand waters without a special permit and for the purpose of dumping,

then, subject to the provisions of this Part of this Act,

(f) If the dumping is from a ship or if a ship is dumped, the master or the owner of the ship; or

(g) If the dumping is from an aircraft, or if an aircraft is dumped, the pilot or the owner of the aircraft or the person in possession of the aircraft; or

(h) If the dumping is from an offshore installation or if an offshore installation is dumped, the owner or the person carrying on operations or the person in charge of the operations; or

(i) If the dumping is from a fixed or floating platform or other artificial structure situated in the sea or on the sea-bed, or if a fixed or floating platform or other artificial structure is dumped, the person in possession of the platform or structure or the owner, as the case may be; or

(j) If the waste or other matter is taken on board a ship or aircraft in New Zealand or in New Zealand waters for the purpose of dumping at sea, the master or the owner of the ship or, as the case may be, the pilot or the owner of the aircraft or the person in possession of the aircraft—

commits an offence under this section.

(2) Every person who commits an offence under this section—

(a) Is liable on summary conviction to a fine not exceeding \$50,000; and

(b) Is also liable to pay such amount as the Court may assess in respect of the expenses and costs that have been incurred or will be incurred in removing or cleaning up or dispersing any waste or other matter to which the offence relates from any New Zealand waters or from any foreshore or harbour works in New Zealand.

...

23. Special defences—Where a person is charged with an offence under section 21 or section 22 of this Act, it shall be a defence to prove that the dumping of the waste or other matter in respect of which the offence is alleged to have been committed, or, as the case may be, the failure to comply with any condition, stipulation, or requirement contained in the special permit in respect of which the offence is alleged to have been committed, was necessary—

(a) For the purpose of saving or preventing danger to human life; or

(b) In a case of *force majeure* caused by stress of weather, for the purpose of securing the safety of any ship or aircraft or offshore installation or fixed or floating platform, or any other artificial structure situated at sea or on the sea-bed; or

(c) For the purpose of averting a serious threat to any ship or aircraft or offshore installation or fixed or floating platform, or any other artificial structure situated in the sea or on the sea-bed:

Provided that a defence under this section shall not have effect, unless the Court is satisfied that the dumping of the waste or other matter or, as the case may be, the failure to comply with the condition, stipulation, or requirement was necessary for the purpose alleged in the defence and was a reasonable step to take in all the circumstances:

Provided also that a defence under this section shall not have effect, unless the Court is satisfied that in the circumstances there was every probability that the damage resulting from the dumping of the waste or other matter or, as the case may be, the failure to comply with the condition, stipulation, or requirement was less or would be less than would have otherwise occurred, and that the dumping was so conducted that the likelihood of damage to human or marine life was minimized.

24. Criteria to govern dumping of waste and other matter into the sea—The following matters are to be taken into account in establishing criteria for dumping waste and other matter into the sea:

A. *Characteristics and Composition of the Matter*—1. Total amount and average composition of matter dumped (for example, per year).

2. Form (for example, solid, sludge, liquid, or gaseous).

3. Properties: physical (for example, solubility and density), chemical and biochemical (for example, oxygen demand, nutrients), and biological (for example, presence of viruses, bacteria, yeasts, parasites).

4. Toxicity.

5. Persistence: physical, chemical, and biological.

6. Accumulation and biotransformation in biological materials or sediments.

7. Susceptibility to physical, chemical, and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.

8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.):

B. *Characteristics of Dumping Site and Method of Deposit*—1. Location (for example, co-ordinates of the dumping area, depth, and distance from the coast), location in relation to other areas (for example, amenity areas, spawning, nursery, and fishing areas, and exploitable resources).

2. Rate of disposal per specific period (for example, quantity per day, per week, per month).

3. Methods of packaging and containment, if any.

4. Initial dilution achieved by proposed method of release.

5. Dispersal characteristics (for example, effects of currents, tides, and wind on horizontal transport and vertical mixing).

6. Water characteristics (for example, temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD)—nitrogen present in organic and mineral form, including ammonia, suspended matter, other nutrients, and productivity).

7. Bottom characteristics (for example, topography, geochemical and geological characteristics and biological productivity).

8. Existence and effects of other dumpings which have been made in the dumping area (for example, heavy metal background reading and organic carbon content).

9. In issuing a special permit, the issuing authority should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Schedule, taking into account seasonal variations:

C. *General Considerations and Conditions*—1. Possible effects on amenities (for example, presence of floating or stranded material, turbidity, objectionable odour, discolouration, and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.

3. Possible effects on other uses of the sea (for example, impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor, and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal, or elimination, or of treatment to render the matter less harmful for dumping at sea.



## PART III

*Marine casualties*

25. Powers of Minister in relation to ships—(1) Without prejudice to any rights or powers of the Crown exercisable, whether under international law or otherwise, apart from the powers conferred by this section, the powers conferred by this section shall only be exercised and the measures authorized by this section shall only be taken where, as the result of a shipping casualty,

- (a) In New Zealand waters, or
- (b) Outside those waters,

it appears to the Minister necessary to prevent or reduce or eliminate pollution from oil or from any pollutant in, or the risk of any such pollution to, New Zealand waters or to the coast of New Zealand or to related interests.

(2) Where it appears to the Minister that as a result of a shipping casualty or acts related to such a casualty a ship constitutes or is likely to constitute a serious risk of pollution in or to New Zealand waters, or to the coast of New Zealand, or to related interests, then, for the purposes mentioned in subsection (1) of this section, he may—

(a) Issue instructions to the master or to the owner of the ship, or to any person in charge of any salvage operation or his servant or agent, requiring any specified action to be taken or that no action be taken or that no specified action be taken with respect to the ship or its cargo or both; or

(b) Take any measures whatsoever with respect to the ship or the cargo or both, whether or not he has issued instructions under paragraph (a) of this subsection.

(3) Without limiting the generality of the powers conferred by this section, the measures the Minister may direct to be taken or may himself take under paragraph (b) of subsection (2) of this section for the purposes mentioned in subsection (1) of this section may include, with respect to the ship or its cargo or both, operations relating to—

- (a) The removal to another place of the ship or its cargo or both; or
- (b) The salvage of the ship or its cargo or both; or
- (c) The sinking or destruction of the ship or the destruction of its cargo or both; or
- (d) The taking over of control of the ship; or
- (e) The removal of cargo from the ship.

(4) In order to carry out any of the measures referred to in paragraph (b) of subsection (2) of this section, the Minister may, after con-

sulting the owner of the ship to whose master the instructions are to be given,

(a) Instruct the master of any New Zealand ship or home-trade ship, or the master of any other ship within New Zealand waters, to render assistance to any ship that is or is likely to be a shipping casualty; and

(b) Instruct the master of any New Zealand ship or home-trade ship to take on board any equipment, to sail to any place, to render assistance to any ships engaged in assisting a shipping casualty or engaged in any operations for the cleaning up, removal, or dispersal of any oil or pollutant, and to obey the instructions of any person for the time being authorized by the Minister to exercise control over or responsibility for a shipping casualty.

(5) The master or owner of the ship shall be notified of any measures the Minister proposes to take under paragraph (b) of subsection (2) of this section:

Provided that the Minister may dispense with such notice where in his opinion the urgency of the situation is such that the measures must be taken immediately.

...

26. Powers of Minister in relation to offshore installations and pipelines—(1) Without prejudice to any rights or powers of the Crown exercisable, whether under international law or otherwise, apart from the powers conferred by this section, the powers conferred by this section shall only be exercised, and the measures authorized by this section shall only be taken, where, as the result of an incident occurring outside or on board or to an offshore installation or to a pipeline, it appears to the Minister necessary to prevent or reduce or eliminate pollution from oil or from any pollutant in, or the risk of such pollution to, New Zealand waters or to the coast of New Zealand or to related interests.

(2) Where it appears to the Minister that by reason of an incident mentioned in subsection (1) of this section an offshore installation, or a pipeline in New Zealand waters or on the continental shelf, or operations in New Zealand waters or on the continental shelf for the exploration of the sea-bed and subsoil and the exploitation of the natural resources thereof constitute or are likely to constitute a serious risk of pollution to New Zealand waters or to the coast of New Zealand or to related interests, or is likely to be a source of pollution in New Zealand waters or to the coast of New Zealand, then, for the purposes mentioned in subsection (1) of this section, he may, with the concurrence in writing of the Minister of Mines,

(a) Issue instructions to the owner, or to any person in possession of the offshore installation, or to any person in charge of or carrying on any operations for the exploration of the sea-bed and subsoil and exploitation of the natural resources thereof, or to the owner of the pipeline, or to the servant or agent of any such person, requiring any specified action to be taken or requiring that no action be taken or that no specified action be taken with respect to the offshore installation, or to the operations, or to both, or to the pipeline, as the case may be; or

(b) Take any measures whatsoever with respect to the offshore installation, or to the operations, or to both, or to the pipeline, whether or not he has issued instructions under paragraph (a) of this subsection.

(3) The Minister shall notify the owner or any person mentioned in paragraph (a) of subsection (2) of this section of any measures that the Minister proposes to take under paragraph (b) of that subsection:

Provided that the Minister may dispense with such notice where in his opinion the urgency of the situation is such that the measures must be taken immediately.

...

27. Right to compensation—(1) Where any action duly taken by any person pursuant to instructions issued under paragraph (a) of subsection (2) or subsection (4) of section 25 or paragraph (2) of subsection (2) of section 26 of this Act, or any measures taken by the Ministers under paragraph (b) of subsection (2) of section 25 or paragraph (b) of subsection (2) of section 26 of this Act—

(a) Were not reasonably necessary to eliminate or prevent or reduce pollution or the risk of pollution; or

(b) Were such that the good the action or measures taken did or was likely to do was disproportionately less than the expense incurred or the loss or damage suffered as a result of that action or those measures—  
a person who has incurred expense or loss or damage as a result of taking that action or of those measures or as a result of his taking those measures himself may recover compensation from the Crown.

(2) Where a claim is brought against the Crown for compensation under subsection (1) of this section, the Court, in determining whether paragraph (b) of subsection (1) of this section applies, shall take into account—

(a) The extent and probability of imminent damage if the measures had not been taken; and

(b) The likelihood of the measures taken being effective; and

(c) The extent of the damage which has been caused by the measures taken.

Cf. Prevention of Oil Pollution Act 1971 (U.K.), s. 13

28. Offences—(1) Every person commits an offence who—

(a) Fails to comply with any instructions issued by the Minister under section 25 or section 26 of this Act or by any person authorized by him; or

(b) Wilfully obstructs a person acting in compliance with any instructions issued by the Minister under either of those sections or by any person authorized by him; or

(c) Wilfully obstructs the Minister or any person acting on behalf of the Minister in carrying out any of the power conferred on the Minister by either of those sections.

(2) Every person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$10,000 for each day or part of each day on which the offence has continued.

(3) In any proceedings for an offence against this section, it shall be a defence to prove that the failure to comply with any instructions issued under section 25 or section 26 of this Act, or, as the case may be, that the wilful obstruction of any person acting in compliance with any such instructions duly issued or of any person acting on behalf of the Minister, resulted from the need to save life at sea.

(4) In any proceedings for an offence against this section, it shall also be a defence to prove that the person charged used all due diligence to comply with the instructions.

....

#### PART IV

##### *Civil liability*

30. Liability for costs of removal of oil or pollutant or waste or other matter—Where any oil or pollutant is discharged or escapes or any waste or other matter is dumped in contravention of this Act—

(a) Into New Zealand waters or into waters over the continental shelf from any place on land, or from any offshore installation, or from a pipeline, or as the result of any operations for the exploration of the sea-bed and subsoil and the exploitation of the natural resources thereof, or from any apparatus used in transferring oil or a pollutant; or

(b) Into New Zealand waters from any ship (other than a ship which is registered in or flies the flag of a Contracting State to the International Convention on Civil Liability for Oil Pollution Damage 1969 and to which section 32 of this Act applies)—

then, notwithstanding anything in section 33 of this Act, an amount equal to all expenditure reasonably incurred by the Minister or a Harbour Board, as the case may be, for the removal from any of the waters referred to in this subsection, or from any foreshore or harbour works, or from any wharf or jetty, or from any other amenity, of that oil or pollutant or that waste or other matter, less any amount ordered to be paid in respect of that removal under section 10 of this Act, is hereby declared to be a debt due to the Crown or the Harbour Board, as the case may be, by the occupier of the land, the owner of the ship or installation or pipeline or apparatus from which the oil or pollutant was discharged or escaped, or from which that waste or other matter was dumped, or, as the case may be, the person carrying on those operations, and may be recovered accordingly.

31. Liability for pollution damage—(1) Subject to this section, the owner of a ship (other than an owner as defined in section 32 of this Act of a ship to which that section applies) carrying any oil or pollutant (whether as part of the cargo or otherwise) shall be liable in damages for all pollution damage in New Zealand or in New Zealand waters attributable

to the discharge or escape of oil or a pollutant into the sea from that ship, or, notwithstanding any special permit issued under section 22 of this Act, attributable to the dumping of waste or other matter into the sea from that ship.

(2) Where oil or any pollutant is discharged or escapes from a ship to which this section applies, or waste or other matter is dumped from a ship to which this section applies, the owner of that ship shall not be liable in damages for pollution damage under subsection (1) of this section to a greater extent than an aggregate amount determined by reference to the tonnage of that ship in accordance with subsection (3) of this section.

(3) The aggregate amount referred to in subsection (2) of this section shall not exceed an amount of 1,500 francs for each ton of the ship's tonnage. That aggregate amount shall be ascertained exclusive of costs of any proceedings.

...

(9) Subject to subsection (10) of this section, the owner of an offshore installation or of a pipeline in New Zealand waters or on the continental shelf, and the person carrying on any operations in New Zealand waters or in waters over the continental shelf or on the continental shelf for the exploration of the sea-bed and subsoil and the exploitation of the natural resources thereof, shall be liable in damages for all pollution damage wheresoever attributable to a discharge or escape of oil or a pollutant, or attributable to the dumping of any waste or other matter. In this subsection the term "pollution damage" includes all damage caused in waters over the continental shelf and all damage caused on the continental shelf or to the natural resources thereof.

(10) Where a ship collides with or damages any offshore installation or pipeline in New Zealand waters or on the continental shelf or in the waters over the continental shelf, the owner of the ship shall be liable in damages for all pollution damage in New Zealand or New Zealand waters or on the continental shelf or in the waters over the continental shelf that is attributable to the discharge or escape of oil or a pollutant into the sea resulting from that collision or the damage to the offshore installation or pipeline, whether the discharge or escape is from the ship or from the offshore installation or from the pipeline or from any apparatus connected to the offshore installation or pipeline.

(11) This section applies to every ship other than a ship to which section 32 of this Act applies.

32. Liability of certain shipowners—(1) Subject to the provisions of this section, the owner of a ship to which this section applies shall be liable in damages for all pollution damage in New Zealand or in New Zealand waters attributable to the discharge or escape of oil into the sea from that ship.

(2) Where oil carried by a ship to which this section applies, whether as part of the cargo or otherwise, is discharged or escapes from that ship,

the owner of that ship shall not be liable in damages for pollution damage under subsection (1) of this section to a greater extent than an aggregate amount determined by reference to the tonnage of that ship in accordance with subsection (3) of this section.

(3) The aggregate amount referred to in subsection (2) of this section shall not exceed an amount of 2,000 francs for each ton of the ship's tonnage or 210 million francs, whichever is the less. That aggregate amount shall be ascertained exclusive of costs of any proceedings.

...

(10) This section applies to any ship, whether a New Zealand ship or not—

(a) Actually carrying a cargo of persistent oil in bulk; and

(b) From which oil has been discharged or has escaped, without the actual fault or privity of the owner, as the result of an incident occurring to or in the ship.

33. Special defences—(1) The owner of a ship shall not be liable in damages for pollution damage under section 31 or section 32 of this Act if he proves that the discharge or escape—

(a) Resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character; or

(b) Was wholly caused by the act or omission of a third person, other than the servant or agent of the owner, with intent to cause damage; or

(c) Was wholly caused by the negligence or other wrongful act of any Government or other authority, or of any person, responsible for the maintenance of lights or other navigational aids in the exercise of its functions in relation to those lights or aids.

...

(2) The owner of an offshore installation, a place on land, or a pipeline, and the person in charge of the exploration operations mentioned in subsection (9) of section 31 of this Act, shall not be liable for pollution damage under that section, if he proves that the discharge or escape—

(a) Resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character; or

(b) Was wholly caused by the act or omission of a third person, other than the servant or agent of the owner, with intent to cause damage.

...

37. Compulsory insurance for ships—(1) This section applies to—

(a) Any ship, wherever registered and of whatever nationality (including a New Zealand ship and a home-trade ship), carrying a quantity of

oil in bulk, as cargo, in excess of any quantity prescribed by regulations made under section 68 of this Act, or, while no such regulations are in force, in excess of 2,000 tons of oil; and

(b) Any ship or class of ships carrying any pollutant in bulk to which the provisions of this section have been applied by regulations made pursuant to section 46 of this Act.

(2) Subject to the provisions of subsections (3) and (5) of this section, a ship to which this section applies shall not enter or leave any port in New Zealand or arrive at or leave an offshore terminal in New Zealand waters or, if a New Zealand ship, a port in any other country or an offshore terminal in the territorial sea of any other country, unless the ship carries on board a certificate currently in force complying with the provisions of subsection (3) of this section and issued—

(a) In the case of a New Zealand ship, by the Minister; and

(b) In the case of a ship registered in a country in respect of which the International Convention on Civil Liability for Oil Pollution Damage 1969 is in force, by or under the authority of the Government of that country; and

(c) In the case of a ship registered in any other country, by the Minister or by or under the authority of the Government of that other country, or by or under the authority of the Government of any other country and recognized for the purposes of this subsection by regulations made under section 68 of this Act.

(3) Subject to subsection (5) of this section, the certificate required to be carried by any ship in accordance with subsection (2) of this section—

(a) Shall show that there is in force in respect of that ship a contract of insurance, or other financial security, in an amount not less than the aggregate amount of the liability specified in subsection (3) of section 32 of this Act; and

...

(4) It shall be sufficient for the purposes of paragraph (a) of subsection (3) of this section if the certificate shows—

(a) That there is in force in respect of the ship a contract of insurance or other financial security covering the aggregate amount of the liability of the owner up to an amount equivalent to 1,500 francs for each ton of the ship's tonnage or an amount of 125 million francs, whichever is the less; and

(b) That the Oil Fund (as defined in section 47 of this Act) has in accordance with section 52 of this Act, agreed to provide insurance or other financial security for the amount of the difference between the aggregate of the amount of the liability specified in paragraph (a) of this subsection and the aggregate of the amount specified in subsection (3) of section 32 of this Act.

(5) It shall be sufficient for the purposes of subsections (2) and (3) of this section, in the case of a ship owned by a State and being used for commercial purposes, if there is in force in respect of that ship a certificate issued by the Government of the State of its registry stating that the ship is owned by that State and that any liability that may be incurred in respect of that ship for pollution damage under section 32 of this Act will be met up to the limit prescribed by Article V of the International Convention on Civil Liability for Oil Pollution Damage 1969.

...

(8) If a ship to which this section applies enters or leaves or attempts to enter or leave a port in New Zealand, or arrives at or leaves or attempts to arrive at or leave an offshore oil terminal in New Zealand waters, in contravention of this section, the owner or the master commits an offence, and is liable on summary conviction to a fine not exceeding \$50,000.

(9) If a ship to which this section applies fails to carry, or the master fails to produce, the certificate required by this section to be carried, the master commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000.

(10) If a ship attempts to leave a port in New Zealand, or an offshore oil terminal in New Zealand waters, in contravention of this section, the ship may be detained until such time as a certificate complying with the requirements of this section is obtained or produced, as the case may be.

...

38. Certificates—(1) If the Minister is satisfied that, in respect of any New Zealand ship, or in respect of any ship registered in a country in respect of which the International Convention on Civil Liability for Oil Pollution Damage 1969 is not in force, there will be in force in respect of the ship, throughout the period for which the certificate is to be issued, a contract of insurance or other financial security satisfying the requirements specified in section 37 of this Act, he may issue to the owner of that ship a certificate under that section.

(2) If the Minister is not satisfied that the person providing the insurance or other financial security will be able to meet his obligations thereunder, or that the insurance or other financial security will cover the owner's liability under section 32 of this act in all circumstances, he shall refuse to issue a certificate.

(3) If the Minister is satisfied that, by reason of any modification or variation of or to the contract of insurance or other financial security, the owner of a ship will not be covered up to the limit of the liability he may incur under section 32 of this Act, he may cancel any certificate issued pursuant to this section, or may require, as a condition of such a certificate continuing in force, the immediate deposit with him of adequate additional financial security.

...

(7) Regulations made under section 68 of this Act may prescribe the form of a certificate under this section and the annual fees for the issue



of a certificate, for the cancellation of a certificate in such circumstances other than those mentioned in subsection (3) of this section as may be prescribed by the regulations, for the surrender of cancelled certificates, and for penalties, for failure to surrender any certificate required by this section or by the regulations to be surrendered.

39. Rights of third parties against insurers of shipowner—(1) Where the owner of a ship to which section 32 of this Act applies is alleged to have incurred liability under that section, proceedings to enforce a claim in respect of that liability may be brought against any person (in this section referred to as the insurer) providing insurance or other financial security for the owner's liability for pollution damage to which the certificate issued under section 38 of this Act relates.

...

40. Rights against third parties—(1) Where the owner of a ship to which section 31 of this Act applies, or the owner of a ship to which section 32 of this Act applies, would have incurred liability under the said section 31 or, as the case may be, the said section 32 but for the fact that he has proved any of the matters specified in paragraph (b) or paragraph (c) of subsection (1) of section 33 of this Act, proceedings to enforce a claim for pollution damage may be brought under this section against the persons specified in the said paragraph (b) or, as the case may be, against the Crown or other authority or person in respect of the matters specified in the said paragraph (c):

Provided that no such proceedings shall be brought where the Government mentioned in the said paragraph (c) is the Government of any country other than New Zealand.

(2) Where the owner of an offshore installation, a place on land, or a pipeline, or the person carrying on exploration operations to which subsection (9) of section 31 of this Act applies would have incurred liability under that section but for the fact that he has proved any of the matters mentioned in paragraph (b) of subsection (2) of section 33 of this Act, proceedings to enforce a claim for pollution damage may be brought under this section against the persons mentioned in the said paragraph (b).

(3) The defendant in any proceedings brought under this section shall be entitled to the same exemptions from liability as is an owner under section 31 or section 32 of this Act or, as the case may be, an owner or person carrying on operations under subsection (9) of section 31 of this Act, and to any or all of the defences which he would be entitled to raise in proceedings under this Part of this Act to enforce any claim for pollution damage.

(4) The liability of the defendant in proceedings under subsection (1) of this section is limited in like manner and to the same extent as the liability of an owner under section 31 or section 32 of this Act is limited.

41. Time for bringing proceedings—No action to enforce a claim in respect of liability incurred under section 31 or section 32 of this Act shall

be brought in any Court in New Zealand, unless the proceedings are commenced not later than three years after the date on which the claim arose, nor later than six years after the incident, or, as the case may be, the first of the incidents, by reason of which liability was incurred.

42. Ships owned by a State—Subject to paragraphs (c) and (d) of subsection (1) of section 65 of this Act, a State which is a party to the International Convention on Civil Liability for Oil Pollution Damage 1969 shall in any action brought in a New Zealand Court to enforce a claim in respect of liability incurred under section 32 of this Act be deemed to have waived any defence based on its status as a sovereign State and to have submitted to the Court's jurisdiction, but nothing in this section shall permit the levy of execution against the property of any State.

43. Extension of admiralty jurisdiction—(1) The admiralty jurisdiction of the Supreme Court of New Zealand shall extend to any claim under this Part of this Act in respect of liability for pollution damage.

(2) No action shall be brought in a New Zealand Court to enforce any claim attributable to the discharge or escape of oil causing damage in or to the territory or territorial sea of a country, other than New Zealand, in respect of which the International Convention on Civil Liability for Oil Pollution Damage 1969 is in force.

(3) Nothing in this Part of this Act shall prejudice any claim, or the enforcement of any claim, that a person incurring liability under this Part may have against another person in respect of that liability.

...

45. Special provisions for offshore installations, etc.—(1) Regulations made under section 68 of this Act may require the owner of an offshore installation, or the owner of a place on land, or the owner of a pipeline, or the person in charge of the operations mentioned in subsection (1) of section 31 of this Act to maintain insurance or other financial security up to the limits of an aggregate amount of liability specified in the regulations.

(2) Regulations made under section 68 of this Act may, subject to such modifications and exceptions as are specified in the regulations, apply the provisions of section 35 (limitation in actions against shipowners), section 36 (restrictions on enforcement of claims against shipowners), section 38 (certificates), and section 39 (rights of third parties against insurers) of this Act to any offshore installation or place on land or pipeline or operations for the exploration of the sea bed and subsoil and the exploitation of the natural resources thereof, or to all or any of them.

46. Extension of this Part to pollutants—Regulations may be made under section 68 of this Act applying all or any of the provisions of this Part of this Act that apply to ships carrying oil in bulk, subject to such modifications and exceptions as are specified in the regulations, to any ship or ships carrying a specified pollutant or specified pollutants in bulk, whether as cargo or otherwise.

...

62. Detention of ships in cases of damage to property by discharge of oil or pollutant—(1) If the Magistrate by whom any person is convicted of an offence under this Act in respect of the discharge or escape of oil or a pollutant from a ship, or any other Magistrate, is satisfied that damage to any property has been or is likely to be caused by the discharge or escape of oil or by the discharge or escape of a pollutant, he may, upon its being shown to him by any applicant that none of the owners of the ship resides in New Zealand, issue an order directed to any officer of Customs or other officer named by the Magistrate, requiring him to detain the ship until such time as security, to be approved by the Magistrate, is given to abide the event of any action, suit, or other legal proceedings that may be instituted in respect of the damage to property, and to pay all costs, damages, and other money that may be awarded therein:

Provided that in the case of a ship to which section 32 of this Act applies, a certificate issued under section 38 of this Act, or, where no certificate has been issued under that section, a certificate complying with the terms of Article VII of the International Convention on Civil Liability for Oil Pollution Damage 1969, on being produced to the Magistrate, shall be accepted by him as sufficient security for the purposes of this section.

...

64. General provisions as to application of Act—(1) The provisions of this Act, except provisions which are expressed to apply only to New Zealand ships or only to New Zealand ships and home-trade ships, shall (subject to any exemptions expressly conferred by or under this Act) apply to all ships, whether registered or not, and of whatever nationality.

...

65. State-owned ships—(1) The provisions of this Act shall not apply to—

(a) Naval ships as defined in section 2 of the Defence Act 1971:

Provided that—

(i) The provisions of sections 30 to 35 and sections 40, 41, and 43 of this Act (relating to civil liability) shall apply to naval ships (as so defined), and every other provision of this Act which relates to or is ancillary to or consequential on the provisions so applied shall have effect accordingly; and

(ii) In the application of the provisions so applied, the term “tonnage”, in relation to any such naval ship, means the tonnage of the ship determined in accordance with section 466 of the Shipping and Seamen Act 1952:

(b) Aircraft for the time being used as aircraft of the armed forces of a State other than New Zealand;

(c) Warships of a State other than New Zealand;

(d) Other ships or aircraft owned or operated by a State other than New Zealand and for the time being used only for government purposes other than commercial purposes.

(2) Subject to the provisions of paragraph (a) of subsection (1) of this section, the provisions of this Act, whether or not they are expressed to apply only to New Zealand ships, shall apply to New Zealand Government ships as they apply to other New Zealand ships.

(3) No naval ship as defined in section 2 of the Defence Act 1971 and no New Zealand Government ship shall be liable to arrest or detention under any provision of this Act.

(4) In this Act the term "owner", in relation to any naval ship (as so defined) and to any New Zealand Government ship, means Her Majesty in right of Her Government in New Zealand.

...

68. Regulations—The Governor-General may from time to time, by Order in Council, make regulations<sup>1</sup>—

(a) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration;

(b) Prescribing offences for breaches of any such regulations, and, except where some other penalty is prescribed by this Act, prescribing fines, not exceeding \$2,000, in respect of any such offence and, where the offence is a continuing one, further fines not exceeding \$200 for each day on which the offence has continued.

...

(b) **THE MARINE POLLUTION (DISPERSANTS AND EXCEPTIONS) REGULATIONS 1975<sup>2</sup>**

2. Interpretation—In these regulations, unless the context otherwise requires—

"The Act" means the Marine Pollution Act 1974, and expressions defined therein have the meanings so defined;

"Dispersant" means a substance used or intended to be used for the dispersion or emulsification of oil in the sea;

"Director" means the person for the time being holding the position of Director of the Marine Division of the Ministry of Transport; and includes his deputy;

"From the nearest land" means—

(a) In relation to New Zealand, from the baseline of the territorial sea as defined in sections 5 and 6 of the Territorial Sea and Fishing Zone Act 1965;

(b) In relation to any land outside New Zealand, from the baseline of the territorial sea of the territory in question established in accordance

<sup>1</sup> E.g. the Marine Pollution (Dispersants and Exceptions) Regulations 1975; the Marine Pollution (Insurance Certificate) Regulations 1976.

<sup>2</sup> Made pursuant to Section 68 of the Marine Pollution Act 1974. Entered into force pursuant to Section 1 on 23 April 1975. Text provided by the Permanent Representative of New Zealand to the United Nations in a note verbale of 29 June 1977.

with the provisions of the Convention on the Territorial Sea and the Contiguous Zone, Geneva, 1958;

Provided that in the case of the part of the north-eastern coast of Australia which lies between points 11°00'S, 142°08'E, and 24°42'S, 153°15'E, "from the nearest land" means from the nearest of the straight lines joining consecutively the following points: 11°00'S, 142°08'E; 10°35'S, 141°55'E; 10°00'S, 142°00'E; 9°10'S, 143°52'E; 9°00'S, 144°30'E; 13°00'S, 144°00'E; 15°00'S, 146°00'E; 18°00'S, 147°00'E; 21°00'S, 153°00'E; 24°42'S, 153°15'E;

"In ballast", in relation to a tanker, means any occasion on which the tanker is not carrying oil in bulk as cargo but has on board oil residues from a cargo of oil in bulk previously carried;

"Instantaneous rate of discharge of oil content", when expressed in litres per mile, means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

...

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

"Tanker" means a ship the greater part of the cargo space of which is constructed or adapted for the carriage of liquid cargoes in bulk and which is either carrying a cargo of oil in bulk in that part of its cargo space or has on board oil residues from a cargo of oil in bulk previously carried.

#### PART I

##### *Dispersants*

3. Exception for dispersants—Subject to regulation 5 of these regulations, section 3 (1) of the Act shall not apply in respect of a dispersant approved by the Director under regulation 4 of these regulations which is discharged from any ship or from any tanker for the purpose of dispersing oil which has been discharged or has escaped into the sea.

4. Approval of dispersants—The Director may, by notice in the *Gazette*, approve any dispersant that he is satisfied complies with the provisions of the Schedule to these regulations.

5. Prohibition on the use of dispersants—The Director may, by notice in writing to the local authority or Harbour Board having the control of any area of the sea or coast of New Zealand, either prohibit or impose such conditions as he considers appropriate on the use of any specified dispersant in that area, if he is satisfied that the use of the dispersant would result in significantly greater damage to that area of sea or coast of New Zealand than would have resulted by action of oil alone.

#### PART II

##### *Exceptions*

6. Exception for ships other than tankers—(1) This regulation applies to every New Zealand ship that is not a tanker and to every home-trade ship that is not a tanker.

(2) Every ship to which this regulation applies is hereby excepted from the operation of section 4 (1) of the Act, provided all of the following conditions are satisfied:

- (a) The ship is proceeding en route; and
- (b) The instantaneous rate of discharge of oil content does not exceed 60 litres per mile; and
- (c) The oil content of the discharge is less than 100 parts per 1 million parts of the mixture; and
- (d) The discharge is made as far as practicable from the nearest land.

7. Exceptions for tankers—(1) This regulation applies to every New Zealand tanker and to every home-trade tanker.

(2) Every tanker to which this regulation applies is hereby excepted from the operation of section 4 (1) of the Act, provided all of the following conditions are satisfied:

- (a) The tanker is proceeding en route in ballast; and
- (b) The instantaneous rate of discharge of oil content does not exceed 60 litres per mile; and
- (c) The total quantity of oil discharged does not exceed 1/15,000 of the total oil-cargo carrying capacity of the tanker; and
- (d) The tanker is more than 50 miles from the nearest land.

...

### PART III

#### *Revocation*

8. Revocation—The Oil in Navigable Waters (Exceptions) Regulations 1971 are hereby revoked.

### SCHEDULE

#### *Reg. 4. Dispersant specification*

1. *General*—This specification relates to the supply of detergents, dispersants, emulsifiers, solvent-emulsifiers, and similar materials required for use in beach-cleaning operations and for oil dispersal at sea. These materials are handled in the liquid phase, and for this reason the material offered against this specification should, under normal operating conditions, contain no solid material, no suspended matter, and no additional liquid phases. It should be non-corrosive to the storage containers, and should not contain substances that are normally considered to be toxic to humans or are likely to cause irritation of the eyes and skin.

2. *Prohibited Ingredients*—The dispersant supplied shall not contain benzene, halogenated compounds, phenol, cresols, caustic alkali, or free mineral acid.

..

15. *Variation of Specification*—All material supplied shall conform with this specification. In the event of a manufacturer being unable to maintain supplies of material under emergency conditions, full details of changes that will be required to meet the heavy demand (for example, changes in solvent composition) must be notified in advance. Such “modified” materials, may not be supplied without special authority, and the containers holding any such modified material must be clearly marked with the letter M, both in front of and behind the letters or number, or both, identifying the product. (Thus, for example, a product normally identified by the letters ABC followed by the numbers 123 would, if supplied in a modified form, be labelled MABC 123M.)

## 7. SPAIN

- (a) [ACT No. 21/1977 OF 1 APRIL 1977 CONCERNING THE IMPOSITION OF PENALTIES IN CASES OF MARINE POLLUTION BY DUMPING FROM SHIPS OR AIRCRAFT, Article 7]<sup>1</sup>
- (b) [ORDER OF 26 MAY 1976 CONCERNING THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT, Article 6]<sup>2</sup>
- (c) [DECREE No. 2862/76 OF 30 JULY 1976 CONTAINING THE REGULATION GIVING EFFECT TO ACT No. 21/74 OF 27 JUNE 1974, Articles 28 (1.12), (1.17); 35 (1.1), (1.9), (1.10), (1.11), (1.14), (1.17), (1.21), (1.43); 39 (1); 66 (2.3)]<sup>3</sup>

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<sup>1</sup> *Supra*, division I, subdivision A, chap. VII, 8 (a).

<sup>2</sup> *Ibid.*, 8 (b).

<sup>3</sup> *Ibid.*, chap. IX, 2 (c).





## Division V

# FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE SEA

### 1. ARGENTINA

(a) ACT NO. 21.514 OF 7 FEBRUARY 1977<sup>1</sup>

*The President of the Argentine Nation sanctions and promulgates with force of law:*

*Article 1.* The Ministry of the Economy is authorized, as a special measure and for a period of one (1) year, to conclude agreements directly with privately-owned foreign companies from a group of predetermined countries, which shall take part in an international competition whereby they shall be selected to exploit, on an experimental basis, the living resources of the sea in waters under Argentine sovereignty, south of latitude 40° S.

Such agreements shall not remain in force for more than one (1) year and shall be implemented in accordance with the technical standards approved by the National Executive Power on the recommendation of the implementing authority.

*Article 2.* For the purposes of the above article, the competent authorities shall be authorized to permit the vessels of the above-mentioned companies to fly the Argentine flag on a temporary basis and to waive any stipulations with regard to the nationality of the masters, officers and crew of the said vessels.

*Article 3.* Upon expiry of the experimental period referred to in article 1, privately-owned foreign companies which shall have been selected and shall have satisfactorily complied with the agreed conditions shall receive preferential treatment with regard to any bid to operate permanently within the designated zone, under the conditions stipulated in Act No. 21.382 (Act on Foreign Investments) and in other legislation in force at the time, and on specific terms to be agreed with the Argentine Government, the Governments of their countries of origin being permitted to participate in those areas in which their involvement is considered necessary.

*Article 4.* The agreements authorized under the present Act shall not affect the freedom of operation of domestic privately-owned companies in the designated zone for the purposes described above.

...

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<sup>1</sup> Text provided by the Permanent Representative of Argentina to the United Nations in a note verbale of 7 June 1977. Translation by the Secretariat of the United Nations.

(b) DECREE NO. 190 OF 7 FEBRUARY 1977<sup>1</sup>

*The President of the Argentine nation decrees that:*

*Article 1.* The "Basic and specific rules governing agreements with privately-owned foreign companies for the exploitation of the living resources of the sea", as set forth in annex I hereto, which shall form an integral part of this decree, shall be approved.

...

## ANNEX I

BASIC AND SPECIFIC RULES GOVERNING AGREEMENTS WITH PRIVATELY-OWNED FOREIGN COMPANIES FOR THE EXPLOITATION OF THE LIVING RESOURCES OF THE SEA

A. *Basic conditions*

1. The fishing zone shall be situated south of latitude 40°; designated prohibited areas and a coastal belt 15 miles in width, calculated from the low-water-line, shall be respected.

2. Companies shall operate from ports situated south of latitude 40° S., preferably from Puerto Madryn, Comodoro Rivadavia or Caleta Córdova in the province of Chubut, Puerto Deseado or Punto Quilla in the province of Santa Cruz or Ashuaia in the National Territory of Tierra del Fuego, Antarctica and the South Atlantic Islands.

3. The catch quota shall not exceed 200,000 tons, of which 75 per cent shall consist of the species *merluccius merluccius hubbsi* (hake) and shall be allotted entirely to a single company or shared between a maximum of two companies.

4. Preference shall be given to tenders which offer the best conditions of access for our products to the countries of origin of the bidders and which do not involve the imposition of tariff controls on such products.

...

7. Vessels engaged in research or fishing shall be repaired, take on general supplies and refuel in Argentine ports, except in duly authorized special circumstances.

...

B. *Specific rules governing the preliminary one-year period of pure and applied scientific research in preparation for the permanent operation of foreign companies, with or without Argentine participation, in accordance with the Act on foreign investments*

1. Tenders submitted by companies shall be accompanied by a pledge from the respective Government to co-operate in basic fisheries research by supplying a scientific research vessel for a period of one year. Details concerning the research objectives and Argentine participation shall be laid down in an agreement to be signed with the Argentine Government.

<sup>1</sup> Text provided by the Permanent Representative of Argentina to the United Nations in a note verbale of 7 June 1977. Translation by the Secretariat of the United Nations.

Such vessel shall be permitted to sail under the flag of its country of origin.

The minimum objective of such research shall be to carry out a survey of winter resources and determine the optimum catch in the fishing zone provided for in these rules.

...

5. The value of catches during the transitional investment period shall be determined in accordance with prevailing international market prices, per voyage and per vessel, and shall be applied to offset the cost of the above-mentioned basic and auxiliary research.

6. At the end of the year, the resulting net profits, calculated in accordance with the provisions set forth in the preceding paragraphs, shall be distributed equally between the Argentine Government and the foreign investor.

Any deficit or loss incurred in the operation shall be absorbed by the companies.

...

8. At the end of the year in which pure and applied scientific research has been carried out, the foreign companies, the Governments of their countries of origin and the Argentine Government shall take a decision by mutual agreement concerning permanent operation in selected areas, with the possible participation of Argentine companies, in accordance with the Act on Foreign Investments and other legislation in force.

## 2. BAHAMAS

[FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT, 1977,  
Sections 4-19]<sup>1</sup>

## 3. BANGLADESH

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974, Sections 5-7]<sup>2</sup>

## 4. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Sections 14-20]<sup>3</sup>

## 5. CAPE VERDE

[DECREE NO. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL  
SEA, Articles 4-8]<sup>4</sup>

<sup>1</sup> *Supra*, division II, 1.

<sup>2</sup> *Supra*, division I, subdivision A, chap. I, 2.

<sup>3</sup> *Ibid.*, 4.

<sup>4</sup> *Ibid.*, 5.

## 6. COLOMBIA

[ACT No. 10 OF 1978, Articles 8, 10 and 11]<sup>1</sup>

## 7. COMOROS

[ORDONNANCE N° 76-038/CE DU 15 JUIN 1976 PRÉCISANT LES LIMITES DES EAUX TERRITORIALES COMORIENNES ET ÉTABLISSANT UNE ZONE ÉCONOMIQUE EXCLUSIVE, Articles 2 et 3]<sup>2</sup>

## 8. CUBA

[ACT OF 24 FEBRUARY 1977 CONCERNING THE ESTABLISHMENT OF AN ECONOMIC ZONE, Article 4]<sup>3</sup>

## 9. DEMOCRATIC KAMPUCHEA

[DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978, Section 3]<sup>4</sup>

## 10. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Articles 13, 14 and 16]<sup>5</sup>

## 11. DENMARK

(a) [ACT No. 597 OF 17 DECEMBER 1976 ON THE FISHING TERRITORY OF THE KINGDOM OF DENMARK]<sup>6</sup>

(b) ACT No. 624 OF 22 DECEMBER 1976 ON COMMERCIAL FISHING, TRAPPING AND HUNTING IN GREENLAND<sup>7</sup>

*Article 1.* The following amendments shall be made to Act No. 413<sup>8</sup> of 13 June 1973 on commercial fishing, trapping and hunting in Greenland.

<sup>1</sup> *Ibid.*, 6.

<sup>2</sup> *Ibid.*, 7.

<sup>3</sup> *Supra*, division II, 7.

<sup>4</sup> *Supra*, division I, 8.

<sup>5</sup> *Supra*, division I, subdivision A, chap. I, 10.

<sup>6</sup> *Supra*, division II, 10 (a).

<sup>7</sup> Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>8</sup> Partially reproduced in ST/LEG/SER.B/18, p. 301.

1. In article 1, paragraph 8, the words "until 31 December 1977" shall be deleted.

2. Article 11 shall read as follows:

"*Article 11.* The provisions of article 1 shall be without prejudice to any rights granted to foreign nationals in Greenland under international agreements."

...

(c) EXECUTIVE ORDER NO. 642 OF 19 DECEMBER 1975 BY THE MINISTRY OF FISHERIES PROHIBITING SALMON FISHING IN THE NORTH-WEST ATLANTIC OCEAN<sup>1</sup>

Pursuant to article 1 of Act. No. 570 of 21 December 1972<sup>2</sup> prohibiting salmon fishing in the north-west Atlantic Ocean, it is hereby provided as follows:

*Article 1.* The fishing of salmon shall not be permitted in the area covered by the International Convention for the Northwest Atlantic Fisheries<sup>3</sup> (ICNAF-area) (cf. the annex to this executive order) outside the Greenland fishery zone.

*Article 2.* Supervision of the implementation of the provisions of this Executive Order shall be exercised by the police, the fishery control authorities, the fishery inspection authorities or in the case of the Faroe Islands, such persons as are authorized for that purpose by the National Executive of the Faroe Islands.

*Article 3.* 1. Offences against the provisions of this Executive Order shall be punishable by a fine.

2. The regulations of the Civil Criminal Code and the Criminal Law for Greenland shall apply with respect to confiscation. A catch may be confiscated even if it cannot be definitely established that it derives in its entirety from the unlawful circumstance.

...

#### ANNEX

The ICNAF area (cf. article 1 of the Executive Order of 8 February 1951) is the following area:

All waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71° 40' west longitude; thence due south to 39° 00' north latitude; thence due east to 42° 00' west longitude; thence due north to 59° 00' north latitude; thence due west to 44° 00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland

<sup>1</sup> Entered into force on 1 January 1976 pursuant to article 4. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/18, p. 301.

<sup>3</sup> Reproduced in ST/LEG/SER.B/15, p. 832; United Nations, *Treaty Series*, vol. 157, p. 157.

to 78° 10' north latitude; thence southward to a point in 75° 00' north latitude and 73° 30' west longitude; thence along a rhumb line to a point in 69° 00' north latitude and 59° 00' west longitude; thence due south to 61° 00' north latitude; thence due west to 64° 30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

- (d) EXECUTIVE ORDER NO. 30 OF 21 JANUARY 1976 BY THE MINISTRY FOR GREENLAND AMENDING THE EXECUTIVE ORDER CONCERNING DANISH AND FAROESE FISHERIES IN GREENLAND WATERS<sup>1</sup>

Pursuant to Act No. 413 of 13 June 1973<sup>2</sup> on commercial fishing, trapping and hunting in Greenland, it is hereby provided as follows:

*Article 1.* The following amendments shall be made to Executive Order No. 436 of 23 July 1973<sup>3</sup> concerning Danish and Faroese fisheries in Greenland waters:

Article 5 shall read as follows:

“*Article 5.* 1. Commercial salmon fishing may not be carried on in the Greenland fishery area west of Cape Farvel.

2. Commercial sea-trout fishing may not be carried on inside the baselines established in the Order on the delimitation of the territorial waters of Greenland.”

...

- (e) EXECUTIVE ORDER NO. 237 OF 11 MAY 1976 BY THE MINISTRY OF FISHERIES AMENDING THE EXECUTIVE ORDER CONCERNING THE REGULATION OF FISHERIES IN THE NORTH-WEST ATLANTIC OCEAN<sup>4</sup>

Pursuant to Act No. 210 of 19 May 1971 on international measures to regulate fisheries, articles 1 and 3, it is hereby provided as follows:

*Article 1.* The following amendments shall be made to Executive Order No. 118 of 12 March 1974,<sup>5</sup> as most recently amended by Executive Order No. 195 of 22 May 1975:

<sup>1</sup> Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/18, p. 301.

<sup>3</sup> Partially reproduced in ST/LEG/SER.B/18, p. 304.

<sup>4</sup> Danish text provided by the Foreign Ministry of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>5</sup> Reproduced in ST/LEG/SER.B/18, p. 314.

1. Article 2, paragraph 1, shall read as follows:

“The following species of fish may be caught in the parts of the Convention area specified below only with the authorization of the Minister for Fisheries or of such person as he may authorize for that purpose.

	<i>Parts of the Convention area for which authorization is required (cf. annexes I, II and III).<sup>1</sup></i>
“(a) <i>Species of fish</i>	
Atlantic cod ( <i>Gadus morhua</i> ) . . . . .	1; 2; 3K, L, M, N, O, Ps; 4T, V, W, X*
Rat-tail ( <i>Coryphaenoides rupestris</i> ) . . . . .	1; 2; 3
Greenland halibut ( <i>Reinhardtius hippoglossoides</i> ) . . . . .	1; 2; 3K, L
Capelin ( <i>Mallotus villosus</i> ) . . . . .	2; 3K, L, N, O, Ps
Witch ( <i>Glyptocephalus cynoglossus</i> ) . . . . .	2J; 3K, L, N O, Ps; 4V, W, X
Long rough dab ( <i>Hippoglossoides platessoides</i> ) . . . . .	2; 3K, L, M, N O Ps; 4V, W, X
Yellowtail flounder ( <i>Limanda ferruginea</i> ) . . . . .	3L, N, O, 4V, W, X
Redfish ( <i>Sebastes marinus</i> ) . . . . .	2; 3; 4V, W, X
Haddock ( <i>Melanogrammus aeglefinus</i> ) . . . . .	4V, W, X
Herring ( <i>Clupea harengus</i> ) . . . . .	4V, W, X
Silver hake ( <i>Merluccius bilinearis</i> ) . . . . .	4V, W, X
Saithe ( <i>Pollachius virens</i> ) . . . . .	4V, W, X
Atlantic mackerel ( <i>Scomber scombrus</i> ) . . . . .	3; 4
Great silver smelt ( <i>Argentina silus</i> ) . . . . .	4V, W, X
Cuttlefish . . . . .	3; 4

\* Authorization is required only for that part of 4X lying south and east of a line running through the following points:

44° 20'N, 63° 20'W;  
43° 00'N, 65° 40'W;  
43° 00'N, 67° 40'W;

“(b) *In sub-area 5 all species of fish except for menhaden, tuna, sail-fish, spearfish, marlin, sharks, except for picked dogfish, and cuttlefish.*”

2. Article 4, paragraph 2, shall read as follows:

“2. Notwithstanding the provisions of paragraph 1, vessels engaged in fishing for redfish in sub-areas 3N, 3O and 3P may use nets with a mesh-gauge smaller than that indicated in paragraph 1. With regard to such fishing, the authorization (cf. article 1) may

<sup>1</sup> Annexes not reproduced.

prescribe special conditions as to the quantities of the other species of fish specified in paragraph 1 that the catch may contain.”

3. Article 5, paragraphs 2 and 3, shall be deleted and replaced by the following:

“2. Notwithstanding the provisions of paragraph 1, the authorization (cf. article 1) may, with regard to vessels engaged in fishing for species of fish other than those specified in paragraph 1 and for which nets with a mesh-gauge smaller than that indicated in paragraph 1 are used, prescribe special conditions as to the quantities of the species of fish specified in paragraph 1 that the catch may contain.”

*Article 2.* This Executive Order shall enter into force on the day after its publication in the Official Gazette. Executive Order No. 195 of 22 May 1975 shall cease to have effect.

- (f) [DECREE NO. 598 OF 21 DECEMBER 1976. THE FISHING TERRITORY OF THE FAROE ISLANDS]<sup>1</sup>
- (g) [EXECUTIVE ORDER NO. 628 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF DENMARK]<sup>2</sup>
- (h) [EXECUTIVE ORDER NO. 629 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF GREENLAND]<sup>3</sup>
- (i) [EXECUTIVE ORDER NO. 631 OF 23 DECEMBER 1976 BY THE MINISTRY FOR GREENLAND CONCERNING DANISH AND FAROESE FISHERIES IN THE GREENLAND FISHERY ZONE]<sup>4</sup>
- (j) [LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT NO. 77 OF 27 DECEMBER 1976 CONCERNING THE GRANTING OF CERTAIN TEMPORARY POWERS TO THE NATIONAL EXECUTIVE IN CONNECTION WITH THE EXTENSION OF THE FISHERY ZONE]<sup>5</sup>
- (k) [EXECUTIVE ORDER NO. 47 OF 8 FEBRUARY 1977 BY THE MINISTRY FOR GREENLAND CONCERNING THE SUPERVISION OF FISHING BY NON-EEC COUNTRIES IN THE GREENLAND FISHERY ZONE]<sup>6</sup>
- (l) EXECUTIVE ORDER NO. 270 OF 25 MAY 1976 BY THE MINISTRY OF FISHERIES CONCERNING THE REGULATION OF FISHERIES IN THE NORTH-EAST ATLANTIC OCEAN AS AMENDED IN 1977<sup>7</sup>

<sup>1</sup> *Supra*, division II, 10 (b).

<sup>2</sup> *Ibid.*, 10 (c).

<sup>3</sup> *Ibid.*, 10 (d).

<sup>4</sup> *Ibid.*, 10 (e).

<sup>5</sup> *Ibid.*, 10 (f).

<sup>6</sup> *Ibid.*, 10 (g).

<sup>7</sup> Amended by Executive Order No. 91 of 9 March 1977. Danish texts provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.



Pursuant to article 1 of Act No. 210 of 19 May 1971 on international measures to regulate fisheries and to article 21, paragraph 6, of Act No. 195 of 26 May 1965 on salt-water fisheries,<sup>1</sup> it is hereby provided as follows:

#### CHAPTER I

##### *Convention area*

*Articles 1-3.<sup>2</sup> . . .*

#### CHAPTER II

##### *Fishing gear*

*Article 3.* 1. No vessel may carry on board or use any kind of trawl, Danish seine or other net towed through the water where the size of the mesh in any part of the net is smaller than that specified in articles 4 to 7 (cf., however, articles 8 to 13).

2. The size of the mesh shall correspond to the maximum width of a fiat gauge 2 mm thick which can pass easily through the mesh stretched diagonally lengthwise when the net is wet.

*Article 4.* In region 1, the minimum mesh size shall be as follows:

1. In the case of Danish seines of any material: 110 mm.
2. In the case of those parts of trawl nets made of cotton, hemp, polyamide fibre or polyester fibre, 120 mm.
3. In the case of those parts of trawl nets made of any materials other than those mentioned in paragraph 2: 130 mm.

*Article 5.* In region 2, the minimum mesh size shall be as follows:

1. In the case of Danish seines of any material and in the case of trawl nets made of single twine without manila or sisal: 70 mm.
2. In the case of trawl nets made of double twine without manila or sisal: 75 mm.
3. In the case of trawl nets made of manila or sisal: 80 mm.

*Article 6.* In region 3, the minimum mesh size shall be as follows:

1. In the case of Danish seines of any material and in the case of trawl nets made of single twine without manila or sisal: 60 mm.
2. In the case of trawl nets made of double twine without manila or sisal: 65 mm.
3. In the case of trawl nets made of manila or sisal: 70 mm.

<sup>1</sup> Partially reproduced in ST/LEG/SER.B/15, p. 623.

<sup>2</sup> Identical to Articles 1-3 of Executive Order No. 25 of 28 January 1974 for the Faroe Islands concerning the regulation of fisheries in the north-east Atlantic Ocean, ST/LEG/SER.B/18, p. 305.

*Article 7.* Throughout the entire Convention area outside the national fishery limits, the following regulations shall apply with respect to gear used for salmon fishing: drift nets, fixed nets and Danish seines shall have a mesh size no smaller than 160 mm. Hooks shall have an opening no smaller than 1.9 cm, and the snell (suspended) shall have a minimum strength equivalent to 0.6 monofilament nylon. The use of all kinds of trawl, monofilament netting and trolling line shall be prohibited.

*Article 8.* 1. Vessels fishing for the species of fish specified below in the parts of the Convention area specified below may, for the purpose of such fishing, carry on board and use gear with a mesh size smaller than that specified in articles 4 to 6 but not smaller than that specified below:

<i>Species of fish</i>	<i>Minimum mesh size</i>
<i>Region 1</i>	
Polar cod ( <i>Boreogadus saida</i> ) .....	16 mm
Silvery cod ( <i>Gadiculus thorii</i> ) .....	16 mm
Norway pout ( <i>Trisopterus esmarkii</i> ) .....	16 mm
Blue whiting ( <i>Trisopterus poutassou</i> ) .....	16 mm
Herring ( <i>Clupea harengus</i> ) .....	16 mm
Great silver smelt ( <i>Argentina silus</i> ) .....	16 mm
Lesser silver smelt ( <i>Argentina sphyreana</i> ) .....	16 mm
Capelin ( <i>Mallotus villosus</i> ) .....	16 mm
Deep-water shrimp ( <i>Pandalus spp</i> ) .....	16 mm
Norway lobster ( <i>Nephrops norvegicus</i> ) .....	16 mm
Cuttlefish .....	16 mm
<i>Region 2</i>	
Norway pout ( <i>Trisopterus esmarkii</i> ) .....	16 mm
Blue whiting ( <i>Trisopterus poutassou</i> ) .....	16 mm
Herring ( <i>Clupea harengus</i> ) .....	16 mm
Sprat ( <i>Clupea sprattus</i> ) .....	16 mm
Great silver smelt ( <i>Argentina silus</i> ) .....	16 mm
Lesser silver smelt ( <i>Argentina sphyreana</i> ) .....	16 mm
Atlantic mackerel ( <i>Scomber scomber</i> ) .....	16 mm
Horse mackerel ( <i>Trachurus trachurus</i> ) .....	16 mm
Greater weever ( <i>Trachinus draco</i> ) .....	16 mm
Eel ( <i>Anguilla anguilla</i> ) .....	16 mm
Shrimp ( <i>Crangon spp</i> ) .....	16 mm
Deep-water shrimp ( <i>Pandalus spp</i> ) .....	16 mm
Norway lobster ( <i>Nephrops norvegicus</i> ) .....	16 mm
Cuttlefish .....	16 mm

*Region 3*

"Dog's tongue" sole ( <i>Dicologlossa cuneata</i> ) .....	40 mm
Norway lobster ( <i>Nephrops norvegicus</i> ) .....	40 mm
Sardines ( <i>Sardina pilchardus</i> ) .....	20 mm
Shrimp ( <i>Crangon</i> spp) .....	20 mm
Deep-water shrimp ( <i>Pandalus</i> spp) .....	20 mm

2. Vessels fishing for sand eel may, for the purpose of such fishing, carry on board and use gear with a mesh size smaller than that specified in articles 4 to 6.

3. Notwithstanding the provisions concerning the minimum mesh size for shrimp fishing in region 2, vessels fishing for shrimp in the area along the west German and Danish North Sea coast bounded on the north by the parallel of 56° 30' north latitude and lying between the baseline and a line running parallel to the baseline at a distance of 12 nautical miles may carry on board and use gear with a smaller mesh size than that specified in paragraph 1.

4. Vessels engaged in fishing in the waters west of the line running between Hanstholm and Lindesnes may not carry on board nets with a mesh size ranging from 50 mm to the minimum size specified in articles 4 to 6.

*Article 9.* The exceptions referred to in article 8 in respect of the minimum mesh sizes specified in articles 4 to 6 shall not apply to trawl fishing for:

1. Blue whiting in the part of region 2 lying south of the parallel of 52° 30' north latitude and west of the meridian of 7° west longitude.

2. "Dog's tongue" sole in the parts of region 3 lying outside a line running through the following points:

46° 16' north latitude 1° 36' west longitude;

46° 05' north latitude 1° 44' west longitude;

45° 40' north latitude 1° 34' west longitude;

44° 40' north latitude 1° 34' west longitude

and thence due east to the French coast.

3. Sardines in the part of region 3 bounded on the north-east by a line running from Cape Higuier (1° 47.5' west longitude) along a 310° rhumb-line and on the south by the parallel of 36° 00' north latitude.

4. Shrimp and deep-water shrimp in the part of region 3 lying outside a line parallel to the baseline, at a distance of 12 nautical miles from them.

5. Norway lobster in the part of region 3 which is described in paragraph 3 and lies outside a line running parallel to the baselines at a distance of 12 nautical miles from them.

*Article 10.* Vessels engaged in trawl fishing in the area specified in paragraph 2 for any of the species of fish specified in article 8 may not at the same time fish for other species. No vessel fishing in the area specified in paragraph 2 may carry on board gear to which the provisions of articles 4 to 6 apply and gear covered by the exception provided for in article 8 unless one of the two types of gear is dry and stored away below deck.

2. The area specified in paragraph 1 shall include that part of the Convention area which is bounded on the north by the parallel of 41° 51' north latitude running through Cabeço da Espiga on the west coast of Portugal and on the east by the meridian of 7° 24.9' west longitude running through the Vila Real de S. Antonio light on the south coast of Portugal.

*Article 11.* Notwithstanding the provisions of article 5, until 1 January 1980 vessels with a motor power not exceeding 150 hp engaged in fishing for whiting in the waters east of a line running between Hanstholm and Lindesnes may use nets with a mesh size smaller than that specified in article 5 and land whiting under the minimum size specified in article 16 without any restriction as to quantity. Such catches may not include fish other than the species mentioned in article 16.

*Article 12.* Purse seines may not be used for herring fishing in the Celtic Sea. In this connexion, the Celtic Sea is bounded on the north by 52° 30' north latitude, on the south by 49° north latitude, on the east by 5° west longitude and on the west by 9° west longitude.

*Article 13.* 1. Notwithstanding the foregoing regulations concerning mesh sizes, cordage or similar materials may be attached to the underside of the cod-end of a trawl net to prevent or reduce wear and tear.

2. It is furthermore permitted while fishing as described in article 8, to use a protective bag around the cod-end of the gear, provided that the minimum over-all mesh size of the protective bag is at least 80 mm.

3. It is furthermore permitted, in those areas to which the provisions of articles 4 and 8 apply, to attach to the upper side of the cod-end of a trawl net a protective net to prevent wear and tear, provided that the mesh size of the protective net is everywhere at least double that of the cod-end and provided that the protective net is attached to the cod-end in the front, along the sides and in the back in such a way that the thread of the meshes of the protective net closely overlies the thread of four meshes in the cod-end.

*Article 14.* The Minister for Fisheries may permit fishing gear not conforming to the foregoing provisions to be carried and used when this is done with a view to transplantation or for scientific purposes.

*Article 15.* The provisions of chapter IV A of the Act on salt-water fisheries concerning the use of certain types of fishing gear shall not be affected by the provisions of this Executive Order.

## CHAPTER III

*Minimum sizes, incidental catches*

*Article 16.* 1. The following minimum sizes for the species of fish specified below, measured from the tip of the snout to the tip of the tail fin, are prescribed for the Convention area (cf. chap. I):

	<i>Region</i>		
	<i>1 cm</i>	<i>2 cm</i>	<i>3 cm</i>
Salmon ( <i>Salmo salar</i> ) .....	60	60	60
Atlantic cod ( <i>Gadus morhua</i> ) .....	34	30	
Haddock ( <i>Melanogrammus aeglefinus</i> ) .....	31	27	
Whiting ( <i>Merlangus merlangus</i> ) .....	23	23	
European hake ( <i>Merluccius merluccius</i> ) .....	30	30	30
Saithe ( <i>Pollachius virens</i> ) .....	35	30	
European plaice ( <i>Pleuronectes platessa</i> ) .....	25	25	
Common dab ( <i>Limanda limanda</i> ) .....	15	15	
Witch ( <i>Glyptocephalus cynoglossus</i> ) .....	28	28	
Lemon sole ( <i>Microstomus kitt</i> ) .....	25	25	
Sole ( <i>Solea solea</i> ) .....	24	24	24
Turbot ( <i>Psetta maxima</i> ) .....	30	30	
Brill ( <i>Scophthalmus rhombus</i> ) .....	30	30	
Fluke ( <i>Lepidorhombus whiffiagonis</i> ) .....	25	25	18
Fluke ( <i>Lepidorhombus boscai</i> ) .....			18
Sardine ( <i>Sardina pilchardus</i> ) .....			12
Sea bream ( <i>Pagellus cantabricus</i> ) .....			18

2. The minimum sizes prescribed in paragraph 1 for fluke, sardines and sea bream in region 3 apply only to catches taken in the part of region 3 bounded on the north-east by a line running from Cape Higuier (01° 47.5' west longitude) along a 310° rhumb-line and on the south-east by the meridian of 7° 24.9' west longitude through the Vila Real de S. Antonio light.

3. The minimum size for saithe in region 2 shall not apply to saithe caught in the waters east of a line running from Hanstholm to Lindesnes.

4. Other regulations laid down in Danish fishery legislation with regard to the minimum sizes of certain species of fish shall not be affected by this Executive Order in so far as they are stricter.

*Article 17.* 1. In the case of mackerel which are caught in the area specified in paragraph 2 and are not intended for human consumption, the minimum size shall be 30 cm measured from the tip of the snout to the tip of the tail fin.

2. The area specified in paragraph 1 is bounded on the north by a line running from the Norwegian coast due west along the parallel of 62° north latitude to 4° west longitude; thence due south to 60° 30' north latitude; thence due west to 5° west longitude; thence due south to 60° north latitude and thence west to 12° west longitude from the parallel of 60° north latitude to the parallel of 54° 30' north latitude; thence due east to the Irish coast and a line running from northern Ireland to the west coast of Scotland along the parallel of 55° north latitude; on the south by the parallel of 51° north latitude between the English coast and the French coast and on the east by the lines running from Hasenøre Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

*Article 18.* 1. Fish, or parts of fish, which do not conform to the prescribed minimum size may not be killed, kept on board, landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, in so far as possible in a condition fit for survival.

2. Notwithstanding the provisions of article 16 concerning the minimum size for saithe, any landing of fish may until 31 December 1977 contain up to 10 per cent in weight of saithe under the minimum size prescribed in article 16.

3. Notwithstanding the provisions of article 17, any landing of mackerel may contain up to 20 per cent in weight of mackerel under the prescribed minimum size.

4. The Minister for Fisheries may permit the catching, landing and transport of fish under the prescribed minimum size where the catch is made with a view to transplantation or for the purpose of scientific research.

*Article 18 (a).* 1. In the case of voyages on which nets with a mesh size smaller than that specified in articles 4 to 6 are carried on board, no more than 25 per cent of the catch (cf. para. 2) may consist of the species of fish specified in article 16, except for salmon. Of that 25 per cent, no more than 10 per cent may consist of fish under the minimum size specified in that provision. In this connexion, the minimum size for whiting shall be 20 cm.

2. The amounts specified in paragraph 1 shall be calculated, after the catch has been sorted or brought below deck or at the landing, from that portion of the catch which is not intended for human consumption as fish or from samples based on more than 100 kg thereof.

3. In the case of fishing carried on west of the line running from Hanstholm to Lindesnes the percentage figure for incidental catches specified in paragraph 1 shall be reduced to 20 per cent as from 1 April 1977.

## CHAPTER IV

*Protection*

*Article 19.* 1. Salmon fishing shall not be permitted in the Convention area (cf. chap. I) outside the national fishery limits.

(1) Between the parallels of 63° and 68° north latitude east of the meridian of Greenwich;

(2) East of the meridian of 22° east longitude;

(3) In region 2, south of the parallel of 62° north latitude between the meridians of 2° east longitude and 11° west longitude;

(4) Within an area defined by the following lines: from 27° west longitude along the parallel of 62° north latitude to 15° west longitude; thence due north to 63° north latitude; thence due east to 11° west longitude, thence due north to 68° north latitude; thence due west to 27° west longitude, and thence due south to 62° north latitude.

2. In regions 1 and 2, salmon fishing shall otherwise not be permitted outside the national fishery limits during the period from 1 July to 5 May inclusive.

*Article 20.* 1. Herring fishing shall not be permitted in that part of region 1 which is bounded on the west and south by the following lines: along 11° west longitude due south to 63° north latitude; thence due west to 15° west longitude; thence due south to 60° north latitude; thence due east to 5° west longitude; thence due north to 60° 30' north latitude; thence due east to 4° west longitude; thence due north to 62° north latitude and thence due east to the Norwegian coast.

2. The provisions of paragraph 1 shall not apply to catches in the Faroese fishery zone of the local, early summer-spawning herring.

*Article 21.* Protected fish caught during the closed season (cf. art. 19 and art. 20, para. 1) may not be killed, kept on board, landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, in so far as possible in a condition fit for survival.

## CHAPTER V

*General provisions*

*Article 22.* 1. Supervision of the implementation of the provisions of this Executive Order and of the rules laid down in connexion therewith shall be exercised by the police, the fishery control authorities and masters of ships and vessels subject to the jurisdiction of the Ministry of Fisheries who are authorised for that purpose by the Minister for Fisheries.

2. Pursuant to a decision by the Commission for the Northeast Atlantic Fisheries, the supervision referred to in paragraph 1 may also be exercised outside the fishery limits by inspectors specially authorised for the purpose by authorities of another member country.

3. Vessels with the inspectors referred to in paragraph 2 on board shall fly a pennant containing two yellow and two blue fields with the letters NE in the upper yellow field.

4. On orders from one of the control authorities referred to in paragraphs 1 and 2, any vessel fishing or dealing with fish in the Convention area shall stop unless it is engaged in putting out gear, fishing with gear or hauling in gear, in which case it shall stop as soon as the gear has been hauled in. The master of the fishing vessel shall permit the inspector and, if necessary, a witness to go on board. The master shall also assist the inspector in such inspection of the catch and gear, both on and below deck, and such examination of the ship's papers as the inspector may find necessary in order to verify that the provisions of this Executive Order have been implemented. The inspector shall be entitled to request such explanations as he may find necessary.

*Article 23.* 1. Offences against article 3, paragraph 1, article 7, article 8, article 9, article 10, paragraph 1, article 11, second sentence, article 12, article 13, paragraphs 2 and 3, article 18, article 19, article 20, article 21 and article 22, paragraph 4, shall be punishable by a fine.

2. The regulations of the Civil Criminal Code shall apply with respect to confiscation. A catch may be confiscated even if it cannot be definitely established that it derives in its entirety from the unlawful circumstance.

3. Undersized fish and protected fish shall be set free in the open sea by the fishery control authorities immediately after the impounding or seizure (cf. chap. 68 of the Code of Civil Procedure), provided that the person charged with the offence admits to the said offence and that the fish are in a condition fit for survival.

...

*Article 24.* This Executive Order shall enter into force on the day after its publication in the *Official Gazette*. The provisions of article 8 shall, however, not enter into force until 1 July 1976. The Executive Order of 28 January 1974 concerning the regulation of fisheries in the north-east Atlantic Ocean and the Executive Order of 25 February 1974 amending the Executive Order concerning the regulation of fisheries in the north-east Atlantic Ocean shall cease to have effect, except for the provisions of articles 3 and 9, which shall cease to have effect on 1 July 1976.

*Article 25.* This Executive Order shall not apply to Greenland and the Faroe Islands.

(m) EXECUTIVE ORDER NO. 271 OF 25 MAY 1976 FOR THE FAROE ISLANDS ISSUED BY THE MINISTRY OF FISHERIES CONCERNING THE REGULATION OF FISHERIES IN THE NORTH-EAST ATLANTIC OCEAN AS AMENDED IN 1977<sup>1</sup>

<sup>1</sup> Amended by Executive Order No. 139 of 16 March 1977. Danish texts provided by the Ministry of Foreign Affairs in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.



Pursuant to article 3 of Act No. 210 of 19 May 1971 on international measures to regulate fisheries, it is hereby provided as follows:

#### CHAPTER I

##### *Convention area*

*Articles 1-2.*<sup>1</sup> . . .

#### CHAPTER II

##### *Fishing gear*

*Articles 3-13.*<sup>2</sup> . . .

*Article 14.* The National Executive may permit fishing gear not conforming to the foregoing provisions to be carried and used when this is done with a view to transplantation or for scientific purposes.

*Article 15.* The Act of the Legislative Assembly concerning fishing in the fishery zone shall not be affected by the provisions of this Executive Order.

#### CHAPTER III<sup>3</sup>

##### *Minimum sizes, incidental catches*

*Article 16.* . . .

4. The provisions of paragraph 1 shall not apply to fish caught in the Faroese fishery zone with a handline or long line.

5. Other regulations laid down in fishery legislation with regard to the minimum sizes of certain species of fish shall not be affected by this Executive Order in so far as they are stricter.

*Article 18.* . . .

4. The National Executive may permit the catching, landing and transport of fish under the prescribed minimum size where the catch is made with a view to transplantation or for the purpose of scientific research.

*Article 18 (a).* 1. In the case of voyages on which nets with a mesh size smaller than that specified in articles 4 to 6 are carried on board, no more than 25 per cent<sup>4</sup> of the catch (cf. para. 2) may consist of the

<sup>1</sup> Identical to Articles 1-2 of Executive Order No. 25 of 28 January 1974 for the Faroe Islands concerning the regulation for fisheries in the north-east Atlantic Ocean, ST/LEG/SER.B/18, p. 305.

<sup>2</sup> Identical to articles 3-13 of Executive Order 270 of 25 May 1976, *supra* (1).

<sup>3</sup> Only those portions of Articles 16-24 are reprinted that are not identical to the provisions of Executive Order 270 of 25 May 1976. *Supra* (1).

<sup>4</sup> Attention is directed to article 6 of EEC Council Regulation No. 350/77 of 18 February 1977, which reduces the percentage figure to 20 per cent as from 1 April 1977 in the case of fishing carried on west of the line running from Hanstholm to Lindesnes.

species of fish specified in article 16, except for salmon. Of that 25 per cent, no more than 10 per cent may consist of fish under the minimum size specified in that provision. In this connection, the minimum size for whiting shall be 20 cm.

...

## CHAPTER V

### *General provisions*

*Article 22.* 1. Supervision of the implementation of the provisions of this Executive Order and of the rules laid down in connection therewith shall be exercised by the police or such organs or persons as are authorised for that purpose by the National Executive.

...

*Article 24.* This Executive Order shall enter into force on the day after its publication in the *Official Gazette*. The provisions of article 8 shall, however, not enter into force until 1 July 1976. The Executive Order for the Faroe Islands of 28 January 1974 concerning the regulation of fisheries in the northeast Atlantic Ocean shall cease to have effect, except for the provisions of articles 3 and 9, which shall cease to have effect on 1 July 1976.

(n) EXECUTIVE ORDER NO. 106 OF 23 MARCH 1977 BY THE MINISTRY OF FISHERIES CONCERNING THE REGULATION OF FISHERIES IN THE BALTIC SEA AND THE BELTS AS AMENDED IN 1977<sup>1</sup>

Pursuant to article 1 of Act No. 210 of 19 May 1971 on international measures to regulate fisheries and to article 21, paragraph 6, of Act. No. 195 of 26 May 1965<sup>2</sup> on salt-water fisheries, it is hereby provided as follows:

## CHAPTER I

### *Convention area*

*Article 1.* 1. This Executive Order shall apply, in accordance with the provisions of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts,<sup>3</sup> to fishing in all waters of the Baltic Sea and the Belts, excluding internal waters, bounded on the west by a line running from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

2. The Convention area referred to in paragraph 1 shall be divided into 11 sub-areas (cf. annexes 1 and 2).

<sup>1</sup> Amended by Executive Order No. 156 of 22 April 1977. Danish texts provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/15, p. 623.

<sup>3</sup> Reproduced in ST/LEG/SER.B/18, p. 565.

## CHAPTER II

*Fishing gear*

*Article 2.* 1. No vessel may carry on board or use any kind of trawl, Danish seine or other net where the size of the mesh in any part of the net is smaller than that specified in article 3 (cf., however, articles 4 and 5).

2. The mesh size shall be measured, in accordance with one of the procedures specified below, when the net is wet.

(1) The mesh size shall be measured as the distance between 11 consecutive knots divided by 10.

(2) The mesh size shall correspond to the maximum width of a flat gauge 2 mm thick which can pass easily through the mesh stretched diagonally lengthwise.

*Article 3.* The minimum mesh size applicable to fishing for the species of fish listed below in the specified parts of the Convention area shall be as follows:

	<i>Measurement (cf. article 2, paragraph 2)</i>	
	<i>by procedure 2</i>	<i>by procedure 1</i>
(a) Cod: south of 59° 30' north latitude . . . .	90 mm	
(b) Flatfish: sub-areas 22-27, sub-areas 28 west of 21° east longitude, and sub-area 29 south of 59° 30' north latitude and west of 21° east longitude . . . . .	90 mm	
(c) Flatfish: sub-area 28 east of 21° east longitude . . . . .	80 mm	
(d) Flatfish: sub-areas 29 and 32 south of 59° 30' north latitude and east of 21° east longitude . . . . .	70 mm	
(e) Herring: sub-areas 22-27 . . . . .	32 mm	18 mm
(f) Herring: sub-area 28 and sub-area 29 south of 59° 30' north latitude . . . . .	28 mm	16 mm
(g) Herring: sub-areas 30-32 and sub-area 29 north of 59° 30' north latitude . . . . .	16 mm	10 mm
(h) Sprat: sub-areas 22-32 . . . . .	16 mm	10 mm

*Article 4.* Notwithstanding the preceding rules, fishing gear which was in use before 1 July 1975 and has a mesh size smaller than specified in article 3 (a)-(d) may be used until 30 July 1977 and fishing gear which was in use before 1 February 1977 and has a mesh size smaller than specified in article 3 (e)-(h) may be used until 31 January 1979.

*Article 5.* Notwithstanding the preceding rules, a protective net may be attached to the upper side of the cod-end of the trawl net, provided that the mesh size of the protective net is at least double that of the cod-end of the trawl net.

*Article 6.* It shall not be permitted to have fishing gear which is not authorized in the sub-area in question or during the period in question ready for use on deck.

*Article 7.* The use of anchored or floating gear shall not be permitted unless it is marked by buoys or other standard identification markers.

*Article 8.* It shall not be permitted to use explosive, poisonous or narcotic substances for fishing purposes.

### CHAPTER III

#### *Minimum sizes*

*Article 9.* The following minimum sizes for the species of fish specified below, measured from the tip of the snout to the tip of the tail fin, are prescribed for the parts of the Convention area specified below:

Cod ( <i>Gadus morhua</i> ): south of 59° 30' north latitude .....	30 cm
European plaice ( <i>Pleuronectes platessa</i> ):	
Sub-areas 22-25 .....	25 cm
Sub-areas 26-28 .....	21 cm
Sub-area 29 south of 59° 30' north latitude .....	18 cm
Flounder ( <i>Platichthys flesus</i> ):	
Sub-areas 22-25 .....	25 cm
Sub-areas 26-28 .....	21 cm
Sub-areas 29 and 32 south of 59° 30' north latitude .....	18 cm
Turbot ( <i>Psetta maxima</i> ):	
Sub-areas 22-32 .....	30 cm
Brill ( <i>Scophthalmus rhombus</i> ):	
Sub-areas 22-32 .....	30 cm
Eel ( <i>Anguilla anguilla</i> ):	
Sub-areas 22-32 .....	35 cm

2. Other regulations laid down in fishery legislation with regard to the minimum sizes of certain species of fish shall not be affected by this Executive Order in so far as they are stricter.

*Article 10.* 1. Fish, or parts of fish, which do not conform to the minimum size prescribed in article 9 may not be killed, kept on board,

landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, insofar as possible in a condition fit for survival.

2. However, any landing of fish caught south of 59° 30' north latitude may contain up to 5 per cent in weight of cod under the minimum size prescribed in article 9. Such cod may not be sold or offered for sale with a view to human consumption.

#### CHAPTER IV

##### *Protection*

*Article 11.* Closed seasons shall be established for the species of fish listed below as follows:

1. European plaice and flounder:

Sub-areas 25-26, 1 February-30 April;

Sub-areas 27, 28 and 29 south of 59° 30' north latitude, 1 February-31 May;

Sub-area 32, 1 February-30 June.

2. Female European plaice and female flounder:

Sub-area 22 south of a line running from:

(a) Skelby church to Flinthorne Point;

(b) Kappel church to Gulstav;

(c) Ristingehale to Aørøhale;

(d) Skjoldnaes to Pøls Huk;

(e) Christian X bridge at Sønderborg, 1 February-30 April.

3. Turbot and brill:

Sub-areas 22, 24, 25 and 26, 1 June-31 July.

*Article 12.* Fishing for cod and flatfish shall not be permitted if the catch is not intended for human consumption (commercial fishing).

*Article 13.* Protected fish caught during the closed season (cf. article 11) may not be killed, kept on board, landed, stored, sold, offered for sale or taken from one place to another but shall immediately be returned to the sea, insofar as possible in a condition fit for survival.

#### CHAPTER IV (a)

##### *Quotas*

*Article 13 (a).* 1. Fishing for the species specified below within the Convention area (cf. article 1) shall be limited, in the case of persons or companies and the like domiciled in the Kingdom outside of the Faroe Islands and Greenland, to the following total catch quantities (in tons) for 1977:

<i>Species of fish</i>	<i>Quota for 1977</i>	<i>Period</i>		
		<i>First 6 months</i>	<i>Third quarter</i>	<i>Fourth quarter</i>
Cod .....	53,095	45,095	4,000	4,000
Herring .....	21,236	13,000	Second 6 months: 8,236	
Sprat .....	13,600			

2. Where the catch of one of the species of fish specified in paragraph 1 is smaller than the catch quantity permitted for the six-month period or quarter in question, the catch quantity permitted for the following quarter or six-month period shall be raised by a corresponding amount.

3. The Minister for Fisheries may, after consultations with fishery and fish industry organizations, lower the total annual quota for herring by up to 10 per cent and raise the quota for sprat by a corresponding amount.

4. When one of the quotas specified in paragraph 1 is exhausted, the Ministry of Fisheries shall issue a notice to that effect through the local newspapers and radio. After such notification that a quota has been exhausted, fishing for the species in question in the Convention area shall not be authorised.

#### CHAPTER V

##### *General provisions*

*Article 14.* 1. A catch log shall be kept on fishing vessels which are between 15 metres and 17 metres in length over-all and engaged in fishing for more than 24 hours at a time and on all fishing vessels whose over-all length exceeds 17 metres.

2. The catch log shall contain the following information:

- (a) The date of the fishing operations;
- (b) Position (in co-ordinates or using the ICES statistical rectangles listed in annex 1);
- (c) The types of fishing gear used, including information as to whether the gear is being used to catch pelagic or demersal fish and any information concerning the depth at the fishing site;
- (d) The duration of each trawling operation, the number of times trawls were hauled in or the number of lines or hooks used per day, depending on the type of fishing gear (cf. (c));
- (e) The material of which the net is made and its minimum mesh size;
- (f) The weight of the catch broken down by species of fish for each trawling operation, net, and so forth.

3. The information in the catch log shall be transmitted to the Ministry of Fisheries in accordance with the rules laid down in article 2 of Executive Order No. 56 of 5 February 1973 issued by the Ministry of Fisheries.

*Article 15.* The provisions of this Executive Order shall not apply to vessels engaged in scientific research. Such vessels shall carry on board a permit issued by the Minister for Fisheries.

*Article 16.* 1. Supervision of the implementation of the provisions of this Executive Order and of the rules laid down in connexion therewith shall be exercised by the police, the fishery control authorities and masters of ships and vessels subject to the jurisdiction of the Ministry of Fisheries who are authorized for that purpose by the Minister for Fisheries.

2. Pursuant to a decision by the Baltic Fisheries Commission, the supervision referred to in paragraph 1 may also be exercised outside the fishery limits by inspectors specially authorized for the purpose by authorities of another member country.

3. Vessels with the inspectors referred to in paragraph 2 on board shall fly a pennant containing two yellow and two blue fields with the letters BC in the upper yellow field.

4. Upon orders from one of the control authorities referred to in paragraphs 1 and 2, any vessel fishing or dealing with fish in the Convention area shall stop unless it is engaged in putting out gear, fishing with gear or hauling in gear, in which case it shall stop as soon as the gear has been hauled in. The master of the fishing vessel shall permit the inspector and, if necessary, a witness to go on board. The master shall also assist the inspector in such inspection of the catch and gear, both on and below deck, and such examination of the ship's papers as the inspector may find necessary in order to verify that the provisions of this Executive Order have been implemented. The inspector shall be entitled to request such explanations as he may find necessary.

*Article 17.* 1. Offences against article 2, paragraph 1, article 5, article 6, article 7, article 8, article 10, article 12, article 13, article 13 (a), article 14 and article 15 shall be punishable by a fine.

2. The regulations of the Civil Criminal Code shall apply with respect to confiscation. A catch may be confiscated even if it cannot be definitely established that it derives in its entirety from the unlawful circumstance.

3. Undersized fish and protected fish shall be set free in the open sea by the fishery control authorities immediately after the impounding or seizure (cf. chap. 68 of the Code of Civil Procedure), provided that the person charged with the offence admits to the said offence and that the fish are in a condition fit for survival.

4. Half of the fine shall go to the Treasury, and the other half shall be paid to the Ministry of Fisheries for apportionment between the relief fund of the Danish Fishery Association and the relief fund of the Deep-sea Fishery Association of Denmark in the proportion of two-thirds and one-third respectively.

#### CHAPTER VI

##### *Entry into force*

*Article 18.* This Executive Order shall enter into force on the day after its publication in the *Official Gazette*. Executive Order No. 343 of 2 July 1975 shall at the same time cease to have effect.

*Article 19.* This Executive Order shall not apply to Greenland or the Faroe Islands.

#### ANNEX 2

The sub-areas referred to in article 1, paragraph 2, and indicated on the map in annex 1 may be described as follows:

##### *Sub-area 22*

Northern boundary: a line running from Hasenøre Head to Gniben Point.

Eastern boundary: a line running from Gedser due south along the meridian of 12° east longitude.

##### *Sub-area 23*

Northern boundary: a line running from Gilbjerg Head to the Kullen.

Southern boundary: a line running from Stevns light to Falsterbo light.

##### *Sub-area 24*

Western boundary: corresponds to the eastern boundary of sub-area 22 and the southern boundary of sub-area 23.

Eastern boundary: a line running from Sandhammeren light to Hammer Point light and a line running from the south coast of Bornholm due south along the meridian of 15° east longitude.

##### *Sub-area 25*

Northern boundary: the parallel of 56° 30' north latitude.

Western boundary: corresponds to the eastern boundary of sub-area 24.

Eastern boundary: the meridian of 18° 00' east longitude.

##### *Sub-area 26*

Northern boundary: the parallel of 56° 30' north latitude.

Western boundary: the meridian of 18° 00' east longitude.



*Sub-area 27*

Eastern boundary: a line running from the parallel of 59° 41' north latitude due south along the meridian of 19° east longitude to Gotland and a line running from the south coast of Gotland due west along the parallel of 57° north latitude to 18° east longitude and thence due south.

Southern boundary: the parallel of 56° 30' north latitude.

*Sub-area 28*

Northern boundary: the parallel of 58° 30' north latitude.

Southern boundary: the parallel of 56° 30' north latitude.

Western boundary:

North of Gotland: the meridian of 19° east longitude;

South of Gotland: a line running due west along the parallel of 57° north latitude to 18° east longitude and thence due south.

*Sub-area 29*

Northern boundary: the parallel of 60° 30' north latitude.

Southern boundary: the parallel of 58° 30' north latitude.

Western boundary: a line running from the parallel of 59° 41' north latitude due south along the meridian of 19° east longitude.

Eastern boundary: a line running due south along the meridian of 23° east longitude to 59° north latitude and thence due east.

*Sub-area 30*

Northern boundary: the parallel of 63° 30' north latitude.

Southern boundary: the parallel of 60° 30' north latitude.

*Sub-area 31*

Southern boundary: the parallel of 63° 30' north latitude.

*Sub-area 32*

Western boundary: corresponds to the eastern boundary of sub-area 29.

- (o) [EXECUTIVE ORDER NO. 347 OF 16 JUNE 1977 BY THE MINISTRY FOR GREENLAND CONCERNING SALMON FISHING IN THE GREENLAND FISHERY AREA]<sup>1</sup>
- (p) NOTICE OF 13 SEPTEMBER 1976 BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING DENMARK'S DENUNCIATION OF THE ARRANGEMENT OF 18 DECEMBER 1973 RELATING TO FISHERIES IN WATERS SURROUNDING THE FAROE ISLANDS<sup>2</sup>

<sup>1</sup> *Supra*, division II, 10 (h).

<sup>2</sup> Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

With effect from 28 February 1977, Denmark has denounced the Arrangement relating to fisheries in waters surrounding the Faroe Islands (cf. Executive Order No. 20 of 14 February 1974 by the Ministry of Foreign Affairs, *Official Gazette C*), signed at Copenhagen on 18 December 1973.<sup>1</sup>

- (q) NOTICE OF 26 NOVEMBER 1976 BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING DENMARK'S DENUNCIATION OF THE INTERNATIONAL CONVENTION OF 6 MAY 1882 FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES<sup>2</sup>

With effect from 26 September 1976, Denmark has denounced the International Convention for Regulating the Police of the North Sea Fisheries (cf. Executive Order No. 42 of 30 April 1884, *Official Gazette A*), signed at The Hague on 6 May 1882. The denunciation also applies to the declaration made at The Hague on 1 February 1889 amending article 8 of the above-mentioned Convention (cf. Executive Order No. 19 of 8 February 1890, *Official Gazette A*) and to the supplementary Agreement signed at The Hague on 3 June 1955 (cf. Executive Order No. 60 of 21 October 1958 by the Ministry of Foreign Affairs, *Official Gazette C*).

## 12. DOMINICAN REPUBLIC

[ACT NO. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF, AS AMENDED IN 1977, Articles 4, 5 and 7]<sup>3</sup>

## 13. GERMAN DEMOCRATIC REPUBLIC

- (a) [DECREE OF 22 DECEMBER 1977 CONCERNING THE ESTABLISHMENT OF A FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC IN THE BALTIC SEA]<sup>4</sup>
- (b) [LAW OF 13 OCTOBER 1978 ON FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC]<sup>5</sup>

## 14. GERMANY, FEDERAL REPUBLIC OF

- (a) [ACT OF 11 FEBRUARY 1977 CONCERNING THE CONVENTIONS OF 15 FEBRUARY 1972 AND 29 DECEMBER 1972 FOR THE PREVENTION

<sup>1</sup> Reproduced in ST/LEG/SER.B/18, p. 571.

<sup>2</sup> Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

<sup>3</sup> *Supra*, division I, subdivision A, chap. I, 11.

<sup>4</sup> *Supra*, division II, 12 (a).

<sup>5</sup> *Ibid.*, 12 (b).

OF MARINE POLLUTION BY DUMPING OF WASTES FROM SHIPS AND AIRCRAFT, Article 2 (2.2)]<sup>1</sup>

- (b) [PROCLAMATION OF THE FEDERAL REPUBLIC OF GERMANY OF 21 DECEMBER 1976 ON THE ESTABLISHMENT OF A FISHERY ZONE OF THE FEDERAL REPUBLIC OF GERMANY IN THE NORTH SEA, Sections 1-3]<sup>2</sup>

## 15. GUATEMALA

[LEGISLATIVE DECREE NO. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Articles 3, 5 and 6]<sup>3</sup>

## 16. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Sections 2, 23-27, 32 and 33]<sup>4</sup>

## 17. HAITI

[DÉCLARATION PRÉSIDENTIELLE DU 6 AVRIL 1977 RELATIVE À L'EXTENSION DES EAUX TERRITORIALES ET DE LA ZONE ÉCONOMIQUE EXCLUSIVE]<sup>5</sup>

## 18. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Sections 6, 7 and 15]<sup>6</sup>

## 19. IRELAND

[MARITIME JURISDICTION (EXCLUSIVE FISHERY LIMITS) ORDER, 1976]<sup>7</sup>

## 20. JAPAN

- (a) [LAW NO. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977]<sup>8</sup>

<sup>1</sup> *Supra*, division IV, 3 (b).

<sup>2</sup> *Supra*, division II, 13.

<sup>3</sup> *Supra*, division I, subdivision A, chap. I, 14.

<sup>4</sup> *Ibid.*, 16.

<sup>5</sup> *Ibid.*, 17.

<sup>6</sup> *Ibid.*, 19.

<sup>7</sup> *Supra*, division II, 19.

<sup>8</sup> *Ibid.*, 20 (a).

- (b) [ENFORCEMENT ORDER OF 17 JUNE 1977 OF LAW No. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977]<sup>1</sup>

## 21. KENYA

[PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF KENYA OF 28 FEBRUARY 1979, AND SCHEDULE]<sup>2</sup>

## 22. MALDIVES

[LAW No. 30/76 OF 5 DECEMBER 1976, RELATING TO THE EXCLUSIVE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES, Sections 1 and 2]<sup>3</sup>

## 23. MEXICO

- (a) [FEDERAL ACT OF 10 MAY 1972 ON FISHERIES DEVELOPMENT, AS AMENDED IN 1976]<sup>4</sup>
- (b) [DECREE OF 26 JANUARY 1976 ADDING A NEW PARAGRAPH 8 TO ARTICLE 27 OF THE CONSTITUTION OF THE UNITED MEXICAN STATES, TO PROVIDE FOR EXCLUSIVE ECONOMIC ZONE BEYOND THE TERRITORIAL SEA]<sup>5</sup>

## 24. NEW ZEALAND

- (a) [TOKELAU (TERRITORIAL SEA AND FISHING ZONE) ACT 1976]<sup>6</sup>
- (b) [TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT, 1977, Sections 2, 8-29]<sup>7</sup>

## 25. NORWAY

- (a) [ACT No. 91 OF 17 DECEMBER 1976 RELATING TO THE ECONOMIC ZONE OF NORWAY]<sup>8</sup>
- (b) [ROYAL DECREE OF 17 DECEMBER 1976 RELATING TO THE ESTABLISHMENT OF THE ECONOMIC ZONE OF NORWAY]<sup>9</sup>

<sup>1</sup> *Supra*, division II, 20 (b).

<sup>2</sup> *Ibid.*, 21.

<sup>3</sup> *Ibid.*, 22 (a).

<sup>4</sup> *Ibid.*, 23 (a).

<sup>5</sup> *Ibid.*, 23 (b).

<sup>6</sup> *Supra*, division I, subdivision A, chap. I, 23 (a).

<sup>7</sup> *Ibid.*, 23 (b).

<sup>8</sup> *Supra*, division II, 25 (a).

<sup>9</sup> *Ibid.*, 25 (b).

## 26. OMAN

[ROYAL DECREE No. 44 OF 15 JUNE 1977]<sup>1</sup>

## 27. PAKISTAN

(a) [EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING) ACT, 1975]<sup>2</sup>

(b) [TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 5, 6 and 14]<sup>3</sup>

## 28. PORTUGAL

[ACT No. 33/77 OF 28 MAY 1977, Articles 2, 4-9 and 12]<sup>4</sup>

## 29. SAO TOME AND PRINCIPE

[DÉCRET-LOI N° 16/78 DU 16 JUIN]<sup>5</sup>

## 30. SENEGAL

(a) CODE DE LA PÊCHE MARITIME, 1976<sup>6</sup>

*Article premier.*—Les dispositions du présent Code sont applicables à toutes les personnes pratiquant la pêche dans la limite des eaux maritimes relevant de la juridiction du Sénégal, ainsi qu'au matériel et aux navires en usage pour cette activité.

### TITRE I.—ZONE DE PÊCHE SOUS JURIDICTION SÉNÉGALAISE

*Article 2.*—Le droit de pêche dans les eaux relevant de la juridiction sénégalaise appartient à l'Etat. Ce droit s'exerce dans les eaux territoriales telles que définies par la loi et dans une zone exclusive de pêche qui s'étend sur une largeur de 50 milles marins au-delà des eaux territoriales.

### TITRE II.—DE L'AMÉNAGEMENT ET DE L'EXPLOITATION

#### *Chapitre I.—Des navires de pêche*

*Article 3.*—Est considérée comme navire de pêche toute embarcation dotée d'installations et d'engins conçus pour la capture des animaux marins. Les navires de pêche sont soumis à la législation sur les navires de mer.

<sup>1</sup> *Supra*, division II, 26.

<sup>2</sup> *Ibid.*, 27 (a).

<sup>3</sup> *Supra*, division I, subdivision A, chap. I, 24.

<sup>4</sup> *Ibid.*, 25.

<sup>5</sup> *Supra*, division I, subdivision A, chap. I, 27.

<sup>6</sup> Loi 76-89 du 2 juillet 1976. Texte transmis par le représentant permanent de la République du Sénégal auprès de l'Organisation des Nations Unies dans une note en date du 16 juin 1977.

*Article 4.*—L'utilisation de navires chalutiers et sardiniers de plus de 1 500 tonneaux de jauge brute est interdite à l'intérieur des eaux relevant de la juridiction sénégalaise.

*Article 5.*—Il existe trois catégories de navires de pêche industrielle en fonction de l'engin de pêche utilisé pour la capture des animaux marins.

### *Chapitre II.—Des engins de pêche*

*Article 7.*—Les engins de pêche artisanale dont la dimension minimale des mailles est fixée par décret sont classés en deux catégories : les filets et les cordes.

*Article 8.*—Les engins de pêche industrielle dont la dimension minimale des mailles est fixée par décret sont classés en quatre catégories :

*Article 9.*—Le maillage est défini comme, dans la poche du filet, la mesure moyenne de 50 mailles parallèles à l'axe longitudinal de la poche, et, dans toute autre partie du filet, la mesure moyenne de toute série de 50 mailles consécutives, mesurées à la jauge de pression normalisée. La mesure est faite sur filet mouillé et maille étirée.

*Article 10.*—L'utilisation, par tous les types de pêche, de tout moyen ou dispositif de nature à obstruer les mailles des filets ou ayant pour effet de réduire leur action sélective, ainsi que le montage de tout accessoire à l'intérieur des filets de pêche sont interdits.

Toutefois, font exception à cette interdiction :

— L'utilisation d'engins de protection fixés à la partie supérieure du filet à condition que leurs mailles aient une dimension au moins double du maillage minimal autorisé pour la poche et qu'ils ne soient pas fixés à la partie postérieure du filet.

— L'utilisation de toile, de filet ou d'autre matériel fixé à la partie inférieure de la poche d'un chalut pour réduire ou prévenir la détérioration.

*Article 11.*—Il est interdit, sauf dérogation motivée, accordée par le Ministre chargé des pêches maritimes, d'utiliser dans l'exercice de la pêche sous-marine tout équipement tel que scaphandre, autonome ou non.

*Article 12.*—Il est interdit, sauf dérogation motivée accordée par le Ministre chargé des pêches maritimes, de détenir simultanément à bord d'un navire ou engin pratiquant la navigation un engin respiratoire tel qu'un scaphandre et une foën ou une arme de pêche. Toutefois, la détention des appareils exigée par mesure de sécurité est autorisée.

*Article 13.*—L'utilisation d'explosifs, de poison ou de toute autre drogue de nature à détruire ou à enivrer le poisson est interdite dans les eaux sous juridiction sénégalaise.

### *Chapitre III.—Des animaux protégés*

*Article 14.*—La capture, la détention et la mise en vente des animaux suivants sont interdites :

— Sardinelles (*sardinella eba* et *sardinella aurita*) d'une taille inférieure ou égale à 12 cm mesurée de l'extrémité du museau au creux de la nageoire caudale.

— Ethmaloses (*ethmalose fimbriata*) d'une taille inférieure ou égale à 15 cm mesurée de l'extrémité du museau au creux de la nageoire caudale.

— Albacore (*neothunnus albacora*) d'un poids inférieur ou égal à 3 kg 200.

— Listao (*katsuwanus pelamis*) d'un poids inférieur à 1 kg 500.

— Langoustes vertes (*palinurus regius*) d'une taille inférieure ou égale à 20 cm mesurée de la pointe du rostre à l'extrémité de la queue.

— Crevettes (*penaeus duorarum*) d'un poids inférieur ou égal à 5 grammes, ce qui correspond à une quantité égale à 200 individus au kilo.

— Huîtres (*gryphaea gasar*) d'un diamètre inférieur ou égal à 60 mm.

— Les tortues de mer de toutes espèces.

#### TITRE III.—DU DROIT DE PÊCHE DANS LES EAUX SOUS JURIDICTION SÉNÉGALAISE

*Article 15.*—Les navires de pêche battant pavillon sénégalais, les navires battant pavillon étranger mais à qui le droit de pêche dans les eaux sénégalaises a été reconnu doivent être munis d'une autorisation délivrée par le Ministre chargé des pêches. Cette autorisation est délivrée sous la forme d'une licence de pêche. En ce qui concerne les navires de recherche, il leur est délivré en cas de besoin une autorisation par arrêté du Ministre chargé des pêches.

Tous ces navires sont astreints à une déclaration de capture conforme au modèle figurant à l'annexe IV à la présente loi<sup>1</sup>.

La déclaration de capture est déposée à la Direction de l'océanographie et des pêches maritimes dans les vingt-quatre heures suivant l'arrivée du navire dans le port sénégalais.

Les modalités de transmission des déclarations de capture sont fixées dans le corps des autorisations qui seront accordées.

*Article 16.*—Il est institué trois licences de pêche :

— Une licence d'armement à la pêche des petits poissons pélagiques;

— Une licence d'armement à la pêche aux arts traînants;

— Une licence d'armement à la pêche thonière.

Ces licences sont accordées et renouvelées le 1<sup>er</sup> janvier de chaque année contre le dépôt d'une quittance de versement d'une redevance fixée par décret.

*Article 17.*—Ne sont pas assujetties à cette autorisation les catégories suivantes de navires :

<sup>1</sup> Les annexes ne sont pas reproduites.

1. Les pirogues sénégalaises ou ressortissant des Etats à qui le droit de pêche dans les limites précitées a été reconnu par convention.

2. Les cordiers et embarcations similaires.

3. Les thoniers pêchant l'appât et de nationalité sénégalaise ou ressortissant des Etats à qui le droit de pêcher dans les limites précitées a été reconnu par convention.

*Article 18.*—Les navires sardiniers autorisés à pêcher aux filets tournants dans les eaux relevant de la juridiction sénégalaise reçoivent la licence de pêche aux petits poissons pélagiques. Cette licence concède :

— Aux sardiniers de pêche fraîche de nationalité sénégalaise le droit de pêcher dans les eaux relevant de la juridiction sénégalaise au-delà d'une limite de 3 milles marins.

— Aux navires sardiniers congélateurs de nationalité sénégalaise et à ceux ressortissant d'un Etat avec lequel le Sénégal a signé une convention le droit de pêcher dans les eaux relevant de la juridiction sénégalaise au-delà de la limite des 12 milles marins.

— Aux navires sardiniers congélateurs de nationalité étrangère ressortissant d'un pays n'ayant pas signé de convention diplomatique avec le Sénégal le droit de pêcher dans les eaux relevant de la juridiction sénégalaise au-delà de la limite de 50 milles marins et dans les conditions fixées par accord.

*Article 19.*—Les sardiniers débarquant la totalité de leurs captures au Sénégal paient une redevance fixée par décret.

Lorsque, sur dérogation accordée par le Ministre chargé des pêches, un sardinier n'est pas astreint au débarquement de la totalité de ses captures au Sénégal, la redevance perçue annuellement pour la délivrance ou la validité de la licence est le double de celle perçue par les sardiniers débarquant la totalité de leurs captures. Les garanties d'exécution des obligations applicables aux navires battant pavillon des Etats qui ont signé des conventions avec le Sénégal sont consignées dans ces conventions.

*Article 20.*—Les navires chalutiers autorisés à pêcher dans les eaux relevant de la juridiction sénégalaise reçoivent la licence de pêche aux engins traînants. Cette licence concède :

— Aux navires chalutiers de pêche fraîche et aux navires congélateurs de petite pêche tels que définis à l'article 5 du présent code le droit de pêcher au-delà d'une frange de 6 milles marins où l'usage des engins traînants est interdit.

— Aux navires chalutiers congélateurs de grande pêche le droit de pêcher au-delà de la limite des 12 milles marins des eaux territoriales sénégalaises.



La pêche aux engins est interdite dans une frange de 6 milles marins de largeur dans les eaux territoriales sénégalaises. Cette largeur est mesurée dans les conditions fixées par décret.

Toutefois, dans tout ou partie de cette frange et pendant une période déterminée de l'année, des campagnes de pêche expérimentale peuvent être autorisées par le Ministre chargé des pêches. Les autorisations sont accordées par arrêté du Ministre chargé des pêches maritimes à des navires présentant des caractéristiques techniques de nature à protéger les fonds de tout risque de destruction.

*Article 21.*—Les chalutiers autorisés à pêcher dans les eaux sous juridiction sénégalaise paient une redevance fixée par décret.

...

Les conditions dans lesquelles les chalutiers battant pavillon d'un Etat n'ayant pas signé de convention diplomatique avec le Sénégal sont précisées dans les autorisations de pêche qui leur sont délivrées.

*Article 22.*—Les navires thoniers autorisés à pêcher dans les eaux sous juridiction sénégalaise reçoivent une licence de pêche thonière.

Cette licence concède le droit de pêcher l'appât et le thon sur toute l'étendue des eaux sous juridiction sénégalaise aux navires thoniers de pêche fraîche et aux thoniers congélateurs qui ont pour port d'attache ou de travail un port sénégalais et qui y débarquent la totalité de leurs captures.

Toutefois, lorsque la dérogation est accordée dans le cadre d'une convention de pêche entre le Gouvernement du Sénégal et un gouvernement étranger, la licence peut être accordée à des thoniers congélateurs dont le port d'attache ou de travail n'est pas situé sur le territoire de la République du Sénégal et qui de ce fait n'y débarquent pas leurs produits sous réserve de compensations définies dans l'accord.

*Article 23.*—Les thoniers participant aux campagnes thonières sénégalaises paient une redevance calculée sur le poids de poisson débarqué et livré aux industries installées au Sénégal. Le taux de cette redevance est fixé chaque année par voie réglementaire.

Pour les thoniers ne participant pas aux campagnes thonières sénégalaises et pendant la période considérée, le montant de la redevance est double de celui qui résulterait de l'application de l'alinéa précédent.

Pour les thoniers battant pavillon des Etats n'ayant pas signé de convention avec le Sénégal la redevance est le triple de celle qui résulterait de l'application du premier alinéa au présent article.

*Article 24.*—Les armateurs des navires ressortissant des Etats n'ayant pas signé un accord de pêche avec le Sénégal doivent déposer entre les mains du Receveur des domaines du Sénégal avant la délivrance de la licence un cautionnement en vue de garantir la bonne exécution de leurs obligations au titre de la réglementation sénégalaise. Ce cautionnement est fixé forfaitairement conformément au tableau figurant à l'annexe III du présent code. Il est remboursé à l'expiration de la licence. Le dépôt et le remboursement de ce cautionnement sont effectués au vu d'un certificat délivré par le Directeur de l'océanographie et des pêches maritimes.

## TITRE IV.—RECHERCHE ET CONSTATION DES DÉLITS DE PÊCHE

*Chapitre I.—Procédure d'arraisonnement*

*Article 25.*—Tout navire se trouvant dans une zone de pêche réglementée peut être sommé de stopper immédiatement, par tous les moyens sonores, lumineux, visuels ou radioélectriques à la disposition du patrouilleur ou de la vedette de surveillance. En particulier les signaux du Code international (pavillon flottant LIMA de jour, ou signal L en scott lumineux de nuit) connus, en principe, de tous les navigateurs sont impératifs. Toutefois, il sera donné au navire la possibilité de terminer sa manœuvre. Le lieu où l'ordre de stopper a été donné reste cependant le lieu de l'infraction.

2. Si le navire refuse de stopper et à la troisième sommation, un coup de semonce (ou une rafale) est tiré sur son avant pour l'obliger à s'arrêter. Cette semonce est renouvelée deux fois. Après la troisième semonce, s'il y a refus d'obtempérer, le commandant du patrouilleur ou de la vedette est autorisé à faire usage de ses armes.

3. Si plusieurs navires se trouvent dans la zone de pêche réglementée, les signaux émis par le patrouilleur ou la vedette s'adressent à tous et l'ordre de stopper doit être exécuté par l'ensemble des navires.

4. Le fait pour un navire se trouvant dans une zone de pêche réglementée de ne pas répondre immédiatement à l'ordre de stopper ou de s'enfuir à l'approche du patrouilleur ou de la vedette équivaut à reconnaître le délit de pêche qui est alors constaté et verbalisé sous la forme indiquée au troisième paragraphe de l'article 25.

*Chapitre II.—Procédure de constat*

*Article 26.*—Compte tenu des conditions météorologiques, de la nature de l'infraction et des difficultés que peut éprouver le patrouilleur ou la vedette de surveillance dans l'exécution de sa mission, trois procédures réglementaires peuvent être employées, le choix de l'une de ces procédures, lesquelles peuvent être combinées selon les circonstances, étant laissé à la discrétion de l'agent verbalisateur.

1. *Procédure ordinaire*

Cette procédure est employée si

- a) Les conditions autorisant un transbordement,
- b) Le navire contrôlé est seul et a répondu immédiatement à l'ordre de stopper;
- c) L'infraction n'est pas apparente à première vue.

Dans ce cas, une équipe dirigée par un officier ou un officier marinier est envoyée à bord du navire arraisonné. Cette équipe a pour mission de vérifier les documents de bord, en particulier la licence de pêche. En cas d'infraction, le chef de l'équipe se fait remettre les documents de bord et note les renseignements de position, de route et de vitesse qu'il relève sur

le journal de navigation en veillant à numéroter les pages de ce document correspondant à la navigation incriminée et à apposer sa signature devant les indications qu'il a recueillies.

## 2. Procédure d'arraisonnement à vue

Cette procédure est employée si

- a) Les conditions n'autorisent pas un transbordement;
- b) Le navire arraisonné ne s'est pas arrêté aux sommations ou a pris la fuite;
- c) Les navires surpris sont trop nombreux pour être contrôlés individuellement;
- d) L'infraction est flagrante et caractérisée (navire dans une zone interdite, ou navire sans licence en pêche dans une zone contrôlée).

Dans ce cas, le commandant du patrouilleur ou de la vedette, après avoir noté les renseignements de première détection, passe à contre-bord des navires arraisonnés en relevant les baptêmes et numéros, les position, route et vitesse, la situation de leurs engins de pêche et la nature de l'infraction constatée.

## 3. Procédure extraordinaire

Cette procédure est utilisée dans le cas où le délit de pêche n'est pas constaté par les patrouilleurs ou vedettes de surveillance.

Dès que possible, après un constat, le commandant de patrouilleur ou de vedette ou le personnel habilité ayant constaté le délit rend compte au commandant de la marine, qui prévient le Directeur des pêches maritimes et la gendarmerie du Port.

### Chapitre III.—Procédure de verbalisation

*Article 27.*—Tout constat d'infraction donne lieu à l'établissement d'un procès-verbal établi suivant le modèle annexé à la présente loi.

Les procès-verbaux dressés par les agents énumérés à l'article 28 ci-après font foi jusqu'à inscription de faux des constatations matérielles qu'ils relatent. Ils ne font foi que jusqu'à preuve du contraire de l'exactitude et de la sincérité des aveux et déclarations qu'ils rapportent.

Le prévenu qui veut s'inscrire en faux contre un procès-verbal est tenu de le faire au moins huit jours avant l'audience indiquée par la citation.

Il doit faire en même temps le dépôt des moyens de faux et indiquer les témoins qu'il veut faire entendre.

Le prévenu contre lequel il a été rendu un jugement de défaut est admis à faire sa déclaration d'inscription de faux pendant le délai qui lui est accordé pour se présenter à l'audience sur son opposition.

2. Le procès-verbal contient tous les renseignements concernant l'infraction constatée.

Dans le cas de la procédure ordinaire, il est présenté au commandant ou patron du navire auteur de l'infraction relevée, pour observation éventuelle et signature.

Dans le cas de la procédure d'arraisonnement à vue, il est présenté :

a) Au commandant ou patron du navire, au port, dès l'arrivée du navire, pour observation éventuelle et signature;

b) Au propriétaire du navire ou au consignataire si le navire n'a pas été intercepté, ou s'il ne revient pas dans le port sénégalais.

c) Si aucun responsable du navire ne peut être entendu par les autorités sénégalaises, le procès-verbal est envoyé au Procureur de la République pour qu'une information soit ouverte.

Dans le cas de la procédure extraordinaire, si le navire a pu être identifié, il est procédé comme en cas de procédure d'arraisonnement à vue.

3. En cas de refus de remise des documents de bord ou de refus de signature, mention en est faite au procès-verbal.

#### *Chapitre IV.—Des pouvoirs des agents habilités à constater les infractions*

*Article 28.*—Les ingénieurs d'Etat des pêches maritimes, les ingénieurs des travaux des pêches, les agents techniques des pêches maritimes, les officiers et les officiers mariniers de la marine nationale, s'ils sont assermentés, ont qualité pour constater les infractions prévues au présent Code ainsi que tous les officiers de police judiciaire.

A cet effet, ils opèrent dans les eaux sous juridiction sénégalaise sous réserve des dispositions de l'article 32 ci-après.

...

*Article 30.*—Les ingénieurs, officiers et agents assermentés mentionnés à l'article 28 peuvent en cas de flagrant délit procéder à l'arrestation des délinquants et les conduire devant le Procureur de la République territorialement compétent.

Ils ont le droit de requérir la force publique dans l'accomplissement de leur mission.

Le délit sera considéré comme flagrant, dans le cas de la procédure d'arraisonnement à vue et dans le cas de la procédure extraordinaire lorsque le navire aura été formellement identifié. Le commandant du bateau pourra être arrêté en flagrant délit à son arrivée au port et conduit devant le Procureur de la République.

*Article 31.*—Le commandant ou le patron de tout navire ayant donné lieu à l'établissement d'un procès-verbal d'infraction est invité par les agents verbalisateurs à rallier immédiatement le port sénégalais le plus proche.

Cependant, il peut être donné aux navires basés dans un port sénégalais dont le propriétaire ou le consignataire réside régulièrement au Sénégal la possibilité de continuer leur marée et de ne rallier le port sénégalais le plus proche qu'au terme de celle-ci.

Toutefois, en cas de délit dans une zone où la pêche est interdite, le navire surpris en action de pêche devra immédiatement quitter la zone. Dans tous les cas, l'évaluation des captures se fera sur la totalité de celles-ci.

Les navires non basés au Sénégal sont accompagnés par le patrouilleur ou la vedette de surveillance. La conduite des navires basés au Sénégal est laissée à l'initiative du commandant du bâtiment arraisonneur.

*Article 32.*—Tout navire surpris en opération de pêche dans une zone réglementée proche de la frontière maritime, dont le commandant ou le patron refuse d'obtempérer à l'ordre de stopper, peut, lorsque les conventions passées avec les pays limitrophes concernés le permettent, être poursuivi par le patrouilleur ou la vedette de surveillance au-delà de ladite frontière marine et faire l'objet d'un procès-verbal d'infraction et être contraint de rallier le port sénégalais le plus proche.

Le commandant du patrouilleur ou de la vedette de surveillance ou tout ingénieur, officier ou agent habilité à constater les délits de pêche peut, s'il le juge utile, requérir des marins sénégalais ou des autorités nationales l'aide en personnel et en matériel qui lui est indispensable pour assurer sa mission ou les opérations prévues par le présent Code.

*Article 33.*—S'il n'y a pas arrestation en flagrant délit, trois jours au plus tard suivant l'arrivée de l'ingénieur, de l'officier ou de l'agent verbalisateur dans le port sénégalais le plus proche, les rapports et procès-verbaux accompagnés de toutes les pièces constatant l'infraction doivent être remis au Directeur de l'océanographie et des pêches maritimes.

En cas d'arrestation en flagrant délit du commandant ou du patron responsable de l'infraction constatée, si cette arrestation est maintenue, au cas où il n'y a pas eu transaction immédiate, le procès-verbal constatant cette infraction doit être transmis dès l'arrivée au port de l'ingénieur de l'office ou de l'agent verbalisateur et le commandant ou le patron doit être déféré sans délai au Procureur de la République.

Au cas où le procès-verbal ne serait pas complet, le Directeur de l'océanographie et des pêches maritimes, s'il l'estime nécessaire, demande au parquet l'ouverture d'une information, pour la recherche des auteurs civilement responsables des infractions constatées au moyen de la procédure d'arraisonnement à vue ou de la procédure extraordinaire.

#### *Chapitre V.—Des consignations et des saisies au cours de l'enquête préliminaire*

*Article 34.*—L'officier ou agent qui a conduit ou fait conduire le navire arraisonné dans un port sénégalais conformément à l'article 30 ci-dessus le consigne entre les mains du Directeur de l'océanographie et des pêches maritimes ou son représentant.

Ce dernier procède à la saisie des engins de pêche et, s'il y a lieu, des produits de la pêche.

Les produits de la pêche saisie sont vendus sans délai aux enchères publiques par l'Administration des domaines à la requête du Directeur de l'océanographie et des pêches maritimes. Le prix de la vente est consigné au Trésor jusqu'à la réalisation d'une transaction ou jusqu'à décision de la juridiction répressive.

Seront détruits tous engins dont l'utilisation tombe sous le coup des prohibitions légales.

*Article 35.*—Tout navire étranger ayant servi à commettre une infraction est retenu au port sénégalais où il a été conduit jusqu'au versement au Trésor d'un cautionnement déposé en garantie du paiement des amendes encourues ou des sommes fixées à la suite d'une transaction.

*Article 36.*—Le montant de ce cautionnement est fixé par le Directeur de l'océanographie et des pêches maritimes, il ne peut être inférieur au montant du maximum de l'amende encourue pour l'infraction constatée.

*Article 37.*—Pendant la période d'immobilisation, le navire est sous la garde de la gendarmerie, les indemnités découlant de cette surveillance sont à la charge du propriétaire, de l'armateur ou du consignataire du navire arraisonné.

#### *Chapitre VI.—Actions et poursuites*

*Article 38.*—Les actions et poursuites sont exercées directement par le Directeur de l'océanographie et des pêches maritimes ou son représentant, devant les juridictions compétentes, sans préjudice du droit qui appartient au ministère public près ces juridictions.

Le Directeur de l'océanographie et des pêches maritimes ou son représentant expose l'affaire devant le tribunal et est entendu à l'appui de ses conclusions.

Il siège à la suite du procureur et de ses substituts.

Les dispositions de droit commun sur l'instruction des flagrants délits devant les juridictions correctionnelles sont applicables dans les cas prévus aux articles 30 et 33.

*Article 39.*—Les jugements en matière de pêche sont notifiés au Directeur de l'océanographie et des pêches maritimes. Celui-ci peut concurremment avec le Ministère public interjeter appel des jugements en premier ressort.

Sur l'appel de l'une ou de l'autre partie, le Directeur de l'océanographie et des pêches maritimes a le droit d'exposer l'affaire devant la Cour et de déposer des conclusions.

*Article 40.*—L'action publique en matière d'infraction au Code de la pêche se prescrit par trois ans à partir du moment où l'infraction a pu être constatée par procès-verbal.

*Chapitre VII.—Des transactions*

*Article 41.*—Le Directeur de l'océanographie et des pêches maritimes est autorisé à transiger au nom de l'Etat avec les personnes poursuivies ainsi qu'avec les personnes civilement ou solidairement responsables pour toutes les infractions en matière de pêche.

*Article 42.*—Le Directeur de l'océanographie et des pêches maritimes qui accorde la transaction peut ordonner la confiscation des produits ou engins saisis.

*Article 43.*—La transaction ne peut être accordée après jugement définitif.

*Article 44.*—Les transactions intervenues doivent être approuvées par écrit par le Ministre chargé des pêches.

*Article 45.*—La transaction éteint l'action publique.

*Chapitre VIII.—Des pénalités*

*Article 46.*—Les infractions aux articles 7, 8 et 10 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 300 000 à 15 000 000 de francs.

*Article 47.*—Les infractions aux articles 11 et 12 sont punies d'une amende de 300 000 à 1 500 000 francs.

*Article 48.*—Les infractions aux articles 13 et 14 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 300 000 à 1 500 000 francs.

*Article 49.*—Les infractions aux articles 15 et 16 sont punies, sous réserve des dispositions de l'article 43, d'une amende de 1 500 000 francs. Il sera exigé en outre et dans tous les cas le paiement immédiat du montant de la redevance perçue pour la licence.

*Article 50.*—Les infractions à l'article 18 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 300 000 à 1 500 000 francs.

*Article 51.*—Les infractions à l'article 20 sont punies d'un emprisonnement d'un mois à deux ans et d'une amende de 1 000 000 à 5 000 000 de francs.

*Article 52.*—Le commandant ou le patron de tout navire étranger ressortissant d'un Etat ayant signé avec le Sénégal une convention de pêche maritime, qui se livre à une activité de pêche à l'intérieur des eaux sous juridiction sénégalaise dans des conditions contraires à celles prévues dans la convention qui lie cet Etat au Sénégal, si ces conditions ne constituent pas déjà des infractions expressément punies par le présent Code, est puni d'un emprisonnement d'un mois à deux ans et d'une amende de 1 000 000 à 1 500 000 francs.

*Article 53.*—Le commandant ou le patron de tout navire étranger non autorisé à pêcher dans les eaux sous juridiction sénégalaise surpris en action de pêche à l'intérieur de ces eaux est puni pour ce fait d'un emprison-

nement de six mois à deux ans et d'une amende de 15 000 000 à 50 000 000 de francs.

*Article 54.*—Le propriétaire du navire à bord duquel les infractions énumérées ci-dessus ont été commises et, le cas échéant, l'armateur ou le consignataire sont tenus solidairement des amendes prononcées ainsi que des dommages-intérêts et des frais.

*Article 55.*—La confiscation soit du corps du délit quand la propriété en appartient au condamné, soit des choses produites par le délit, soit de celles qui ont suivi ou qui ont été destinées à le commettre peut être ordonnée par la juridiction saisie.

Les engins de pêche non réglementés sont obligatoirement confisqués, leur destruction est ordonnée.

...  
*Article 61.*—Sont abrogées toutes dispositions contraires au présent Code.

(b) DÉCRET N° 76-836 DU 24 JUILLET 1976 FIXANT LES CONDITIONS DE DÉLIVRANCE DES LICENCES D'ARMEMENT À LA PÊCHE ET LEUR TAUX DE REDEVANCE<sup>1</sup>

*Article premier.*—Les navires autorisés à pêcher dans les eaux sous juridiction sénégalaise sont munis d'une licence annuelle dont le modèle pour chaque type de pêche pratiquée figure en annexe au présent décret.

Les licences sont émises dans les conditions fixées par la réglementation applicable au genre de pêche pour lequel elles sont accordées.

#### TITRE I.—LICENCE D'ARMEMENT À LA PÊCHE DES PETITS POISSONS PÉLAGIQUES

*Article 2.*—Une licence dite "licence d'armement à la pêche des petits poissons pélagiques" est délivrée aux navires sardiniers autorisés à pêcher aux filets tournants dans les eaux relevant de la juridiction sénégalaise.

...

#### TITRE II.—LICENCE D'ARMEMENT À LA PÊCHE AUX ARTS TRAÎNANTS

*Article 3.*—Une licence dite "licence d'armement à la pêche aux arts traînants" est délivrée aux navires chalutiers autorisés à pêcher dans les eaux relevant de la juridiction sénégalaise.

...

#### TITRE III.—LICENCE D'ARMEMENT À LA PÊCHE THONIÈRE

*Article 4.*—Les navires thoniers autorisés à pêcher dans les eaux territoriales reçoivent une licence de pêche thonière.

#### TITRE IV.—DEMANDE DE LICENCE

*Article 5.*—La demande de licence, dont le modèle figure en annexe au présent décret doit être adressée au Ministre chargé des pêches.

<sup>1</sup> Texte transmis par le représentant permanent de la République du Sénégal dans une note en date du 16 juin 1977.



Elle doit faire connaître :

a) Les caractéristiques techniques du navire :

- Longueur, largeur, tirant d'eau;
- Jauge brute et jauge nette;
- Date de construction et pavillon;
- Caractéristiques du moteur :

b) La nature des engins utilisés;

c) La composition de l'équipage.

*Article 6.*—Les armateurs ou consignataires des navires étrangers ressortissants de pays auxquels le droit de pêche est reconnu dans les eaux sous juridiction sénégalaise par convention doivent joindre à la demande les pièces ci-après :

— Un exemplaire du contrat de vente de leurs captures à une industrie locale sénégalaise;

— Une attestation officielle d'un fonctionnaire du pays d'origine chargé de la sécurité maritime justifiant que le navire est techniquement apte à la pêche.

...

*Article 8.*—Les infractions aux dispositions du présent décret sont punies conformément aux dispositions de l'article 53 du Code de la pêche.

...

### 31. SEYCHELLES

(a) [MARITIME ZONES ACT, 1977, Sections 5-7, 9, 10 and 15]<sup>1</sup>

(b) [THE EXCLUSIVE ECONOMIC ZONE ORDER, 1978]<sup>2</sup>

### 32. SPAIN

(a) ACT No. 59/1969 OF 30 JUNE CONCERNING THE REGULATION OF SHELLFISHERY<sup>3</sup>

*Article 1.* The management of shellfishery on property declared to be in the public domain by the general legislation concerning coasts, and in lagoons and salt water lagoons directly communicating with the sea, shall be regulated in accordance with the rules set forth in the present Act.

<sup>1</sup> *Supra*, division I, subdivision A, chap. I, 28.

<sup>2</sup> *Supra*, division II, 31 (b).

<sup>3</sup> Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

**Article 2.** For the purposes of this Act:

(a) "Concession" means the granting of the right to the use and exclusive benefit, on a temporary basis, by individuals or bodies corporate having Spanish nationality, of a beach or a part of the public domain for the rational exploitation of a natural shellfish bed or a shellfishery facility;

(b) "Authorization" means the permission granted to individuals or bodies corporate of Spanish nationality for the establishment and rational exploitation, at the will of the grantor, of a shellfishery facility;

(c) "Shellfish" means any invertebrate marine animal which can be marketed for human consumption;

...

**Article 3.** The Ministry of Commerce, through the Department of the Merchant Marine, shall be responsible for the regulation of shellfishery and consequently for:

(a) Granting concessions or authorizations for:

(a-1) Exploitation of molluscs, barnacles and shellfish in general in natural beds, having regard to the provisions of articles 9 and 14 of this Act;

(a-2) The establishment of enclosures or ponds for the cultivation of shellfish, *cetáreas*, sterilization stations and other shellfishery facilities;

(a-3) The taking of sea-water for shellfishery facilities of any kind;

(b) Establishing rules for policing and monitoring the rational exploitation of natural beds of molluscs, barnacles and shellfish in general;

(c) Delimiting reserves in certain natural beds for the establishment of model cultivation enclosures and obtaining and selecting seed for the purpose of preserving and propagating the species;

(d) Parcelling of certain beaches and natural beds for the establishment of enclosures for cultivating molluscs under family or entrepreneurial management, in accordance with the provisions of article 9 of this Act.

...

**Article 9.** The concessions or authorizations regulated by the present Act shall be awarded preferentially to fishermen's associations which apply for them with a view to exploitation by all the members thereof, under a community or co-operative régime; secondarily, they may be granted to individuals or bodies corporate of Spanish nationality which likewise apply for them to the Ministry of Commerce, subject to a report, in all cases, by the National Fishery Association.

**Article 10.** Concessions shall be granted at discretion, and in all cases on a temporary basis, for a maximum period of 10 years, which may be extended at the request of the interested party for periods of equal duration to a total of 99 years.

The Government shall in all cases reserve the right to reversion of the concession and the power to expropriate the concessionaire for reasons of public utility, with compensation payable in accordance with the provisions of the Act concerning Compulsory Expropriation.

Authorization shall be granted on the understanding that they are subject to the will of the grantor and their termination may be declared without the right to any compensation.

The relevant specifications or the agreement of authorization shall state the guarantees which may be required to ensure the rational exploitation of the concession of authorization.

- (b) [LAW 15/1978 OF 20 FEBRUARY ON THE ECONOMIC ZONE]<sup>1</sup>
- (c) [DECREE No. 205/1969 OF 25 SEPTEMBER 1969 REGULATING UNDERWATER ACTIVITIES, Articles 18, 19 and 21-23]<sup>2</sup>
- (d) [DECREE No. 2517 OF 8 OCTOBER 1976 ON JOINT FISHING ENTERPRISES, AS AMENDED BY DECREE No. 1075 OF 15 MAY 1977]<sup>3</sup>

### 33. SRI LANKA

- (a) [MARITIME ZONES LAW No. 22 OF 1976, Sections 5 and 6]<sup>4</sup>
- (b) [PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977 IN PURSUANCE OF MARITIME ZONES LAW No. 22 OF 1976, Sections 4 and 5]<sup>5</sup>

### 34. SURINAME

[LAW CONTAINING THE EXTENSION OF THE TERRITORIAL SEA OF THE REPUBLIC OF SURINAME AND THE ESTABLISHMENT OF A CONTIGUOUS ECONOMIC ZONE, 1978, Articles 3-16]<sup>6</sup>

### 35. TOGO

[ORDONNANCE n° 24 DU 16 AOÛT 1977 PORTANT DÉLIMITATION DES EAUX TERRITORIALES ET CRÉATION D'UNE ZONE MARITIME ÉCONOMIQUE PROTÉGÉE]<sup>7</sup>

<sup>1</sup> *Supra*, division II, 32.

<sup>2</sup> *Supra*, division I, subdivision A, chap. I, 23 (b).

<sup>3</sup> This Decree regulates the effects of the investment of Spanish capital in countries engaging in fishing through participation in joint fishing enterprises and the entry into Spanish territory of the catch taken by these enterprises.

<sup>4</sup> *Ibid.*, 33 (a).

<sup>5</sup> *Ibid.*, 33 (b).

<sup>6</sup> *Supra*, division I, subdivision I, chap. I, 32.

<sup>7</sup> *Ibid.*, 33.

### 36. UNION OF SOVIET SOCIALIST REPUBLICS

- (a) [DECREE OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR OF 10 DECEMBER 1976 ON PROVISIONAL MEASURES TO CONSERVE LIVING RESOURCES AND REGULATE FISHING IN THE SEA AREAS ADJACENT TO THE COAST OF THE USSR]<sup>1</sup>
- (b) [DECISION No. 163 OF 24 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR ON THE INTRODUCTION OF PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE AREAS OF THE PACIFIC AND ARCTIC OCEANS ADJACENT TO THE COASTLINE OF THE USSR]<sup>2</sup>
- (c) [REGULATIONS ON THE PROTECTION OF FISHERY AND OTHER LIVING RESOURCES IN THE COASTAL WATERS OF THE USSR, CONFIRMED BY DECISION No. 174 OF 25 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR]<sup>3</sup>
- (d) [DECISION OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR OF 22 MARCH 1977, ON THE SYSTEM FOR THE APPLICATION OF ARTICLE 7 OF THE DECREE OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR ON PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE COASTAL WATERS OF THE USSR]<sup>4</sup>

### 37. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

#### BERMUDA

[INFORMATION ON THE EXTENSION OF THE EXCLUSIVE FISHING ZONE]<sup>5</sup>

### 38. VENEZUELA

[ACT ESTABLISHING AN EXCLUSIVE ECONOMIC ZONE ALONG THE COASTS OF THE MAINLAND AND ISLANDS OF THE REPUBLIC OF VENEZUELA, Articles 1-7 and 9]<sup>6</sup>

<sup>1</sup> *Supra*, division II, 36 (a).

<sup>2</sup> *Ibid.*, 36 (b).

<sup>3</sup> *Ibid.*, 36 (c).

<sup>4</sup> *Ibid.*, 36 (d).

<sup>5</sup> *Ibid.*, 37.

<sup>6</sup> *Ibid.*, 38.

**Part II**  
**TREATIES**



## **Division I**

### **THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE**

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#### **Subdivision A. Multilateral treaties<sup>1</sup>**

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#### **Subdivision B. Bilateral treaties**

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1. CONVENTION ENTRE LA FRANCE ET L'ESPAGNE SUR LA DELIMITATION DE LA MER TERRITORIALE ET DE LA ZONE CONTIGUE DANS LE GOLFE DE GASCOGNE (GOLFE DE BISCAYE), SIGNÉE A PARIS LE 29 JANVIER 1974<sup>2</sup>

Le Président de la République française,

Le Chef de l'Etat espagnol,

Désireux de délimiter la mer territoriale française et la mer territoriale et la zone contiguë espagnoles.

Tenant compte de la Convention du 14 juillet 1959 entre la France et l'Espagne relative à la pêche en Bidassoa et dans la baie du Figuiers<sup>3</sup>,

Ont résolu de conclure une Convention et ont nommé à cette fin pour plénipotentiaires :

Le Président de la République française :

M. Jean-Pierre Cabouat, ministre plénipotentiaire.

Le Chef de l'Etat espagnol :

M. Antonio Poch, ministre plénipotentiaire,

lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des dispositions suivantes :

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<sup>1</sup> No text of multilateral treaties on the territorial sea or the contiguous zone was received during the period covered by this volume.

<sup>2</sup> Texte espagnol transmis par le représentant permanent de l'Espagne auprès de l'Organisation des Nations Unies dans une note en date du 17 juin 1977. Le texte reproduit est le texte français authentique de la convention qui a été enregistrée au Secrétariat de l'Organisation des Nations Unies par le Gouvernement français le 19 février 1976.

<sup>3</sup> Reproduit partiellement dans ST/LEG/SER.B/15, p. 888.

*Article premier.*—La présente Convention s'applique dans le golfe de Gascogne, au nord de la baie du Figuier et jusqu'à la limite de douze milles à partir des lignes de base françaises et espagnoles.

*Article 2.*—1. Dans l'aire définie à l'article premier, la ligne de délimitation de la mer territoriale française tant avec la mer territoriale qu'avec la zone contiguë espagnoles est composée de deux lignes géodésiques définies comme suit :

a) La première ligne géodésique suit le méridien passant par le point M, milieu de la ligne AD qui joint le cap du Figuier (pointe Erdico), en Espagne, à la pointe de Sainte-Anne ou du Tombeau, en France.

Cette ligne part du point M et se poursuit vers le nord jusqu'au point P distant de 6 milles du point M.

b) La seconde ligne géodésique suit l'arc de grand cercle joignant le point P au point Q équidistant des lignes de base françaises et espagnoles et situé à douze milles de celles-ci.

2. La ligne séparative est tracée, conformément aux critères et données figurant ci-dessus, sur la carte marine française n° 174, mise à jour en 1973, annexée à la présente Convention.

*Article 3.*—La ligne MP limite les mers territoriales française et espagnole. La ligne PQ limite, d'une part, la mer territoriale française, d'autre part, la zone contiguë espagnole et le plateau continental sous-jacent à cette dernière. Il est convenu que, dans l'éventualité où l'Espagne étendrait à douze milles la largeur de sa mer territoriale, la ligne MPQ deviendrait la ligne de partage des mers territoriales respectives des deux Etats.

*Article 4.*—1. Les repères permettant d'identifier les points mentionnés à l'alinéa a) du paragraphe 1 de l'article 2 de la présente Convention sont ceux établis en application de la Convention du 14 juillet 1959 entre la France et l'Espagne, relative à la pêche en Bidassoa et dans la baie du Figuier.

2. Des repères permettant d'identifier les points désignés dans la présente Convention par les lettres P et Q seront installés.

*Article 5.*—La présente Convention sera ratifiée et les instruments de ratification seront échangés à Madrid. Elle entrera en vigueur le jour de l'échange des instruments de ratification.

## 2. AGREEMENT BETWEEN THE REPUBLIC OF SRI LANKA AND THE REPUBLIC OF INDIA ON THE BOUNDARY IN HISTORIC WATERS BETWEEN THE TWO COUNTRIES AND RELATED MATTERS, SIGNED AT COLOMBO ON 26 JUNE 1974 AND AT NEW DELHI ON 28 JUNE 1974<sup>1</sup>

The Government of the Republic of Sri Lanka and the Government of the Republic of India,

<sup>1</sup> Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 May 1977.



Desiring to determine the boundary line in the historic waters between Sri Lanka and India and to settle the related matters in a manner which is fair and equitable to both sides,

Having examined the entire question from all angles and taken into account the historical and other evidence and legal aspects thereof,

Have agreed as follows:

*Article 1.* The boundary between Sri Lanka and India in the waters from Palk Strait to Adam's Bridge shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

Position 1: 10° 05' North, 80° 03' East

Position 2: 09° 57' North, 79° 35' East

Position 3: 09° 40.15' North, 79° 22.60' East

Position 4: 09° 21.80' North, 79° 30.70' East

Position 5: 09° 13' North, 79° 32' East

Position 6: 09° 06' North, 79° 32' East

*Article 2.* The co-ordinates of the positions specified in article 1 are geographical co-ordinates and the straight lines connecting them are indicated in the chart annexed hereto\* which has been signed by the surveyors authorized by the two Governments, respectively.

*Article 3.* The actual location of the aforementioned positions at sea and on the sea-bed shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two Governments, respectively.

*Article 4.* Each country shall have sovereignty and exclusive jurisdiction and control over the waters, the islands, the continental shelf and the subsoil thereof, falling on its own side of the aforesaid boundary.

*Article 5.* Subject to the foregoing, Indian fishermen and pilgrims will enjoy access to visit Kachchativu as hitherto, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes.

*Article 6.* The vessels of Sri Lanka and India will enjoy in each other's waters such rights as they have traditionally enjoyed therein.

*Article 7.* If any single geological petroleum or natural gas structure or field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the boundary referred to in article 1 and the part of such structure or field which is situated on one side of the boundary is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving therefrom shall be apportioned.

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\* This chart is in the custody of the Minister of Defence and Foreign Affairs.

*Article 8.* This Agreement shall be subject to ratification. It shall enter into force on the date of exchange of the instruments of ratification which will take place as soon as possible.

3. AGREEMENT ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND MARITIME CO-OPERATION BETWEEN THE REPUBLICS OF ECUADOR AND COLOMBIA, SIGNED AT QUITO ON 23 AUGUST 1975<sup>1</sup>

The Governments of the Republics of Ecuador and Colombia, having regard to the fruitful friendship governing relations between the two countries and considering that:

Their identical interests in the southern Pacific region require the establishment of the closest possible co-operation between them for the purpose of adopting, in the marine and submarine areas over which they now exercise or may hereafter exercise sovereignty, jurisdiction or supervision, suitable measures for the preservation, protection and rational exploitation of the resources of the said areas,

It is their obligation to provide their peoples with the living conditions essential to their economic development and they must therefore utilize for the benefit of their peoples the resources which they possess and must prevent the plundering of those resources,

It is appropriate for them to delimit their respective marine and submarine areas,

Have for that purpose appointed as their plenipotentiaries:

His Excellency the President of Ecuador: Mr. Antonio José Lucio Paredes, Minister for Foreign Affairs;

His Excellency the President of Colombia: Mr. Indalecio Liévano Aguirre, Minister for Foreign Affairs;

Who have agreed as follows:

*Article 1.* To define as the boundary between their respective marine and submarine areas, as they now are or may hereafter be established, the geographical parallel running through the point at which the international land boundary between Ecuador and Colombia touches the sea.

*Article 2.* To establish beyond the distance of 12 nautical miles from the coast a special zone extending 10 nautical miles on either side of the parallel constituting the sea boundary between the two countries in order that the accidental presence of small fishing vessels of either country in the said zone may not be regarded as constituting a violation of the sea boundary. This does not imply recognition of any right to engage in fishing or hunting in the said special zone.

<sup>1</sup> Spanish text provided by the Permanent Representative of Ecuador to the United Nations in a note verbale dated 28 June 1977. Translation by the Secretariat of the United Nations.

*Article 3.* To recognize and respect the procedures by means of which each of the two States now or hereafter exercises its sovereignty, jurisdiction or supervision in the marine and submarine areas adjacent to its coasts up to a distance of 200 miles, in conformity with the provision now or hereafter made by each country and with their respective legislation.

*Article 4.* To recognize the right of each of the two countries to define the baselines from which the breadth of the territorial sea is to be measured by means of the straight baselines method linking the outermost points of their coasts, and to respect the measures which they have adopted or may hereafter adopt for that purpose.

*Article 5.* To institute the broadest possible co-operation between the two countries for the protection of renewable and non-renewable resources situated in the marine and submarine areas over which they now or hereafter exercise sovereignty, jurisdiction or supervision and for the utilization of those resources for the benefit of their peoples and in furtherance of their national development.

*Article 6.* To provide each other with the most extensive possible facilities for the purpose of promoting the exploitation and utilization of the living resources of their respective zones of maritime jurisdiction through the exchange of information, co-operation in scientific research, technical co-operation and encouragement of the formation of mixed enterprises.

*Article 7.* To co-ordinate, in so far as possible, the laws and regulations adopted by each country by virtue of its sovereign powers with regard to the granting of fishing licences and permits.

*Article 8.* To promote the broadest possible international co-operation in co-ordinating the protective measures taken by individual States in the maritime zones subject to their sovereignty or jurisdiction, particularly as regards species which migrate beyond their respective zones of jurisdiction, taking into account the recommendations of appropriate regional bodies and the most reliable and up-to-date scientific information. The said international co-operation shall be without prejudice to the sovereign right of each State to adopt, within its zone of maritime jurisdiction, such rules and regulations as it may find appropriate.

*Article 9.* To encourage the broadest possible co-operation in facilitating unimpeded international navigation in the sea areas subject to their sovereignty or jurisdiction.

*Article 10.* This Agreement shall enter into force on the date of the exchange of the respective instruments of ratification, which shall take place at Bogotá.

*Article 11.* This Agreement has been signed in duplicate, the two texts being identical and equally authentic.

4. ACCORD ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DE L'ETAT ESPAGNOL EN MATIERE DE COOPERATION OCEANOLOGIQUE, SIGNE A MADRID LE 11 DECEMBRE 1975<sup>1</sup>

Le Gouvernement de la République française et le Gouvernement de l'Etat espagnol,

Désireux d'instaurer entre les deux Etats une coopération qui, d'une part, facilite l'étude océanologique du golfe de Gascogne (Biscaye), ainsi que celle de la formation de son bassin et de la dynamique de ses eaux et, d'autre part, contribue à une meilleure utilisation des ressources naturelles existantes dans les espaces maritimes respectifs fixés dans les deux Conventions du 23 janvier 1974 qui délimitent, l'une, la mer territoriale et la zone contiguë<sup>2</sup>, et l'autre, le plateau continental<sup>3</sup>;

Considérant en outre que l'article 3 de la Convention relative à la délimitation des plateaux continentaux des deux Etats dans le golfe de Gascogne (Biscaye) du 23 janvier 1974 fixe les limites d'une vaste zone de fonds marins dans laquelle les Etats contractants s'engagent à favoriser une exploitation tendant à un partage égal de leurs ressources sur la base d'une association à parts égales et d'un financement des travaux proportionnel à leurs intérêts respectifs.

Etant donné que la coopération scientifique entre les deux Etats permettra également de parvenir à une connaissance plus étendue et plus rapide des conditions océanologiques de la mer Méditerranée, des variables physiques et géologiques, tout en facilitant l'exploitation des ressources existantes (vivantes et non vivantes);

Sont convenus des dispositions suivantes en application des articles premier et 2 de l'Accord complémentaire en vue de l'application de l'article VI de l'Accord de coopération culturelle, scientifique et technique du 7 février 1969 :

*Article premier.*—I. Le présent Accord s'applique à l'ensemble des zones dans lesquelles les deux Etats exercent des droits exclusifs.

II. La coopération océanologique prévue au présent Accord s'exerce essentiellement dans les domaines suivants :

1. Les recherches en matière d'océanologie fondamentale ou d'application commune à toute exploration ou exploitation des ressources marines (vivantes ou non vivantes).

2. L'activité scientifique ayant pour objet l'évaluation des ressources existantes et la découverte de nouvelles ressources.

<sup>1</sup> Texte espagnol transmis par le représentant permanent de l'Espagne auprès de l'Organisation des Nations Unies dans une note en date du 17 juin 1977. Le texte reproduit est le texte français authentique de l'accord, qui a été enregistré au Secrétariat de l'Organisation des Nations Unies par le Gouvernement français le 12 octobre 1976.

<sup>2</sup> *Supra*, sous-section b, 1.

<sup>3</sup> *Infra*, section III, sous-section b, 1.

3. Les études ayant pour objet de prévenir la pollution de la mer dans les zones visées au paragraphe 1, et, le cas échéant, de réduire au minimum les effets de toute pollution accidentelle.

4. Les méthodes de travail en vue de parvenir à un aménagement rationnel du littoral afin d'éviter l'industrialisation incontrôlée de ce dernier de nature à porter atteinte audit aménagement.

5. L'aquaculture, dans ses phases successives (de la semi-culture à la fécondation artificielle de différentes espèces dans différents milieux).

6. Etudes géologiques des zones dans lesquelles les deux Etats exercent des droits exclusifs.

7. L'échange d'étudiants, de personnels scientifique et technique et leur participation à des conférences, symposiums, séminaires, cours et autres activités de caractère analogue.

8. L'octroi de toutes sortes de facilités réciproques permettant au personnel scientifique de l'un des Etats de travailler dans des installations de l'autre Etat, à des projets d'intérêt commun.

9. L'intensification de la coordination des politiques océanologiques des deux Etats afin de permettre à ces derniers d'en utiliser réciproquement les résultats, de compléter leurs efforts et d'assurer la plus grande efficacité possible de l'utilisation et de la protection des ressources marines.

*Article 2.*—La mise en œuvre de la coopération prévue à l'article premier est confiée, du côté espagnol, à l'Instituto Español de Oceanografía (IEO), et, du côté français, au Centre national pour l'exploitation des océans (CNEXO).

*Article 3.*—Le CNEXO et l'IEO échangeront, trois mois au moins avant la fin de chaque année, pour l'année suivante, le programme général de leurs recherches exigeant la collecte de données ou d'échantillons océanologiques dans les zones, définies au paragraphe I de l'article premier, de l'autre Etat qui sera invité à y participer.

Ces programmes seront examinés en détail et précisés d'un commun accord dans l'esprit de la plus large coopération afin de donner lieu, dans toute la mesure possible, à des campagnes conjointes. Pour leur réalisation, ils devront être approuvés par les autorités compétentes de chaque Etat avant la fin de l'année. Cette approbation vaudra autorisation de principe pour les campagnes incluses dans les programmes.

En cas de circonstances imprévisibles ou exceptionnelles, l'un ou l'autre Etat pourra néanmoins s'opposer à la réalisation de l'une de ces campagnes, en communiquant sa décision avant le commencement de ladite campagne.

*Article 4.*—Le CNEXO et l'IEO sont autorisés à échanger librement toutes les informations océanologiques obtenues dans le cadre des programmes conjoints ou présentant un intérêt pour les programmes nationaux, à s'aider mutuellement dans l'exécution des travaux de traitement, de calcul et d'analyse desdites données, et à favoriser les réunions et les échanges de personnels scientifique et technique des instituts qui peuvent être jugés nécessaires.

*Article 5.*—Dans le cadre des programmes réalisés conjointement par le CNEXO et l'IEO, les formalités douanières qui doivent être observées pour tout le matériel qui peut être envoyé d'un Etat à l'autre sont limitées à la vérification sur les listes en quatre exemplaires, délivrées par les instituts, avec dispense de présentation de garantie à l'importation temporaire dans l'Etat correspondant.

*Article 6.*—Lorsque la mise en œuvre des programmes conjoints comporte la visite de navires océanographiques espagnols dans des ports français ou la visite de navires océanographiques français dans des ports espagnols, lesdits navires bénéficient des mêmes facilités que les navires nationaux.

*Article 7.*—Le CNEXO et l'IEO peuvent, par accord préalable, autoriser l'échange entre les navires français et espagnols de personnels scientifique et technique en matière d'océanologie participant à des programmes communs.

*Article 8.*—Les données obtenues et le résultat de l'analyse de ces dernières, dans le cadre des programmes conjoints, doivent être échangés en priorité entre les instituts intéressés. Ces derniers doivent solliciter l'accord des deux gouvernements avant de communiquer à des tiers tous résultats présentant un intérêt particulier pour l'un ou l'autre Etat.

*Article 9.*—Le présent Accord est conclu pour une durée de cinq ans et entrera en vigueur à la date de sa signature. Il sera reconduit tacitement d'année en année, sauf dénonciation par l'une des parties, qui devra être notifiée six mois avant l'expiration de sa validité.

5. (i) AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR AND THE BAY OF BENGAL AND RELATED MATTERS, SIGNED AT NEW DELHI ON 23 MARCH 1976<sup>1</sup>

*The Government of the Republic of Sri Lanka and the Government of the Republic of India,*

*Recalling* that the boundary in the Palk Strait has been settled by the Agreement between the Republic of Sri Lanka and the Republic of India on the Boundary in Historic Waters between the Two Countries and Related Matters, signed on 26/28 June 1974,<sup>2</sup>

*And desiring to extend that boundary by determining the maritime boundary between the two countries in the Gulf of Mannar and the Bay of Bengal,*

<sup>1</sup>Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 May 1977.

<sup>2</sup>*Supra*, subdivision B, 2.

*Have agreed as follows:*

*Article I.* The Maritime Boundary between Sri Lanka and India in the Gulf of Mannar shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

- Position 1 m: 09° 06' .0 N., 79° 32' .0 E
- Position 2 m: 09° 00' .0 N., 79° 31' .3 E
- Position 3 m: 08° 53' .8 N., 79° 29' .3 E
- Position 4 m: 08° 40' .0 N., 79° 18' .2 E
- Position 5 m: 08° 37' .2 N., 79° 13' .0 E
- Position 6 m: 08° 31' .2 N., 79° 04' .7 E
- Position 7 m: 08° 22' .2 N., 78° 55' .4 E
- Position 8 m: 08° 12' .2 N., 78° 53' .7 E
- Position 9 m: 07° 35' .3 N., 78° 45' .7 E
- Position 10 m: 07° 21' .0 N., 78° 38' .8 E
- Position 11 m: 06° 30' .8 N., 78° 12' .2 E
- Position 12 m: 05° 53' .9 N., 77° 50' .7 E
- Position 13 m: 05° 00' .0 N., 77° 10' .6 E

The extension of the boundary beyond position 13 m will be done subsequently.

*Article II.* The Maritime boundary between Sri Lanka and India in the Bay of Bengal shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

- Position 1 b: 10° 05' .0 N., 80° 03' .0 E
- Position 1 ba: 10° 05' .8 N., 80° 05' .0 E
- Position 1 bb: 10° 08' .4 N., 80° 09' .5 E
- Position 2 b: 10° 33' .0 N., 81° 46' .0 E
- Position 3 b: 10° 41' .7 N., 81° 02' .5 E
- Position 4 b: 11° 02' .7 N., 81° 56' .0 E
- Position 5 b: 11° 16' .0 N., 82° 24' .4 E
- Position 6 b: 11° 26' .6 N., 83° 22' .0 E

*Article III.* The co-ordinates of the positions specified in articles I and II are geographical co-ordinates and the straight lines connecting them are indicated in the chart annexed hereto, which has been signed by the surveyors duly authorized by the two Governments respectively.

*Article IV.* The actual location at sea and on the sea-bed of the positions specified in articles I and II shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two Governments, respectively.

*Article V.* (1) Each Party shall have sovereignty over the historic waters and territorial sea, as well as over the islands, falling on its side of the aforesaid boundary.

(2) Each Party shall have sovereign rights and exclusive jurisdiction over the continental shelf and the exclusive economic zone as well as over their resources, whether living or non-living, falling on its side of the aforesaid boundary.

(3) Each Party shall respect rights of navigation through its territorial sea and exclusive economic zone in accordance with its laws and regulations and the rules of international law.

*Article VI.* If any single geological petroleum or natural gas structure or field, or any single geological structure or field of any mineral deposit, including sand or gravel, extends across the boundary referred to in articles I and II and the part of such structure or field which is situated on one side of the boundary is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving therefrom shall be apportioned.

*Article VII.* The Agreement shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification which shall take place as soon as possible.

## (ii) EXCHANGE OF LETTERS

### I

Excellency,

An Agreement has been concluded between India and Sri Lanka on Maritime Boundary between the two countries in the Gulf of Mannar and the Bay of Bengal and Related Matters which was signed on 23 March 1976. Our two Governments have also exchanged views on the substance of our proposed maritime legislation. With the establishment of the exclusive economic zones by the two countries, India and Sri Lanka will exercise sovereign rights over the living and non-living resources of their respective zone. The fishing vessels and fishermen of India shall not engage in fishing in the historic waters, the territorial sea and the exclusive zone of Sri Lanka nor shall the fishing vessels and fishermen of Sri Lanka engage in fishing in the historic waters, the territorial sea and the exclusive economic zone of India, without the express permission of Sri Lanka or India, as the case may be. In this connexion, the following understanding has been reached between our two Governments in respect of fishing in the Wadge Bank:

(1) The Wadge Bank which is located near Cape Comorin, the general description and outline of which is given in the enclosed note and chart, lies within the exclusive economic zone of India and India shall have sovereign rights over the area and its resources.

(2) The fishing vessels of Sri Lanka and persons on board these vessels shall not engage in fishing in the Wadge Bank. However, at the request of the Government of Sri Lanka and as a gesture of goodwill, the Government of India agrees that Sri Lanka fishing vessels duly licensed by the Government of India may engage in fishing in the Wadge Bank for a period of three years from the date of establishment by India of its



exclusive economic zone. It is agreed that the number of Sri Lanka fishing vessels shall not exceed six, and their fish catch in the Wadge Bank shall not exceed 2,000 tons, in any one year. At the expiry of this period, Sri Lanka vessels shall cease to fish in the Wadge Bank.

(3) The fishing by Sri Lanka vessels in the Wadge Bank shall be subject to the terms and conditions, including the fees to be charged, specified by the Government of India and to inspection and control by the Indian authorities. The Sri Lanka fishing vessels shall comply with these terms and conditions.

(4) If the Government of India decides to explore the Wadge Bank for petroleum and other mineral resources during the period mentioned in subparagraph (2), the Government of India shall notify to the Government of Sri Lanka the zones reserved for such exploration and the date of commencement of exploration. Sri Lanka fishing vessels shall terminate fishing activity, if any, in these zones with effect from the date of commencement of exploration.

(5) The facility allowed to the Sri Lanka fishing vessels and persons on board those vessels is restricted to the fishing vessels owned by the Government of Sri Lanka or by a Sri Lanka company or its nationals. This facility shall not be transferable to any other State or its vessels or nationals.

(6) At the request of the Government of Sri Lanka, the Government of India agrees to provide annually to Sri Lanka 2,000 tons of fish of the quality and species and at the price to be mutually agreed upon between the two Governments, for a period of five years with effect from the date of cessation of fishing activity by Sri Lanka vessels in the Wadge Bank as stipulated in subparagraph (2).

(7) The Government of India agrees to make available to the Government of Sri Lanka, upon terms and conditions to be agreed upon between the two Governments, technical assistance for the development of Sri Lanka's fisheries arising from the diversion of Sri Lanka's fishing vessels from the Wadge Bank.

I shall be grateful if you kindly confirm that the above sets out correctly the understanding reached between our two Governments. On receipt of your letter confirming this understanding, the understanding embodied in this letter shall constitute an Agreement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

*Signed: Kewal SINGH*  
*Foreign Secretary to the*  
*Government of India*

*His Excellency*  
*Mr. W. T. JAYASINGHE*  
*Secretary in the Ministry of*  
*Defence and Foreign Affairs,*  
*Government of Sri Lanka*

## II

Excellency

I have the honour to acknowledge receipt of your letter of 23 March 1976 which reads as follows:

[See Letter I]

I have the honour to confirm that the above correctly sets out the understanding reached between our two Governments. Your letter and my reply thereto shall constitute an Agreement between the Government of Sri Lanka and the Government of India which shall come into force with effect from today the twenty-third day of March Nineteen Hundred and Seventy-six.

Accept, Excellency, the assurances of my highest consideration.

W. T. JAYASINGHE

*His Excellency*  
Mr. Kewal SINGH  
*Foreign Secretary to*  
*the Government of India*

6. EXCHANGE OF NOTES BETWEEN THE UNITED REPUBLIC OF TANZANIA AND KENYA CONCERNING THE DELIMITATION OF THE TERRITORIAL WATERS BOUNDARY BETWEEN THE TWO STATES<sup>1</sup>

## I

*Kenyan note*

December 17th, 1975

Your Excellency,

I have the honour to refer to the meetings held between officials of the United Republic of Tanzania and of the Republic of Kenya on 8th May, 1972 at Mombasa, Kenya and from 6th to 8th August, 1975 at Arusha, Tanzania and on 4th September, 1975 at Dar-es-Salaam, Tanzania, on the delimitation of the territorial waters boundary between our two countries and to state that, as a result of the said meetings, the following points were agreed:

1. *Boundary:*

*Base Lines:*

- (a) Ras Jimho beacon—Kisite Island (rock)
- (b) Ras Jimbo—Mwamba-wamba beacon
- (c) Mwamba-wamba beacon—Fundo Island beacon (rock)
- (d) Fundo Island beacon (rock)—Ras Kigomasha lighthouse
- (e) Kisite Island (rock)—Mpunguti ya Juu—lighthouse.

<sup>1</sup> Entered into force on 9 July 1976. English text provided by the Permanent Representative of Kenya to the United Nations in a letter of 18 April 1977.

2. *The description of the boundary:*

- (a) *On the West:* The median line between the Ras Jimbo beacon—Kisite Island/Ras Jimbo—Mwamba-wamba beacon base lines to a point 12 nautical miles from Ras Jimbo up to a point hereinafter referred to as 'A', located at  $4^{\circ} 49' 56''$  S and  $39^{\circ} 20' 58''$  E;
- (b) *On the East:* The median line derived by the Intersection of two arcs each being 12 nautical miles drawn from Mpunguti ya Juu lighthouse and Ras Kigomasha lighthouse respectively hereinafter referred to as point 'B', located at  $4^{\circ} 53' 31''$  S and  $39^{\circ} 28' 40''$  E and point C, located at  $4^{\circ} 40' 52''$  S and  $39^{\circ} 36' 18''$  E;
- (c) *On the South:* An arc with the centre as the Northern Intersection of arcs with radii 6 nautical miles from point 'A' as described in paragraph 2 (a) above and point 'B' which is the Southern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse.
- (d) The eastward boundary from point C, which is the Northern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse as described under paragraph 2 (b) above, shall be the latitude extending eastwards to a point where it intersects the outermost limits of territorial water boundary or areas of national jurisdiction of two States.
- (e) The marine charts of 1:250,000 describing the co-ordinates of the above points shall form an integral part of this agreement.

3. *Fishing and fisheries:*

- (a) It was agreed that indigenous fishermen from both countries engaged in fishing for subsistence, be permitted to fish within 12 nautical miles of either side of the territorial sea boundary in accordance with existing regulations.
- (b) It was agreed that there be reciprocal recognition of fisheries licences, regulations and practices of either State applicable to indigenous fishermen aforesaid. The fishing within the area specified in paragraph 3 (a).

After due consideration of the said points of agreement, including the attached map describing the co-ordinates of the boundary as delimited, the Government of the Republic of Kenya hereby confirms that it accepts the above recommendations having been fully convinced that they are for the mutual benefit of our two countries.

If the Government of the United Republic of Tanzania is of the same view, then it is suggested that this Note and your reply thereto in the affirmative shall constitute an Agreement for the territorial waters boundary

between our two States and other related matters referred to above and the same shall enter into force on the date of the receipt of your said Note in reply.

Accept, Your Excellency, the assurances of my highest consideration.

Yours

Dr. Munyua WAIYAKI  
*Minister for Foreign Affairs*

H.E. Mr. Ibrahim KADUMA, M.P.,  
*Minister for Foreign Affairs,*  
*United Republic of Tanzania,*  
*Dar es Salaam, Tanzania*

## II

### *Tanzanian note*

9th July, 1976

Your Excellency,

I have the honour to acknowledge receipt of your letter Ref. No. MFA.273/430/001A/120 of 17th December, 1975 which reads as follows:

[See Letter I]

I have the honour to confirm that the foregoing is acceptable to the Government of the United Republic of Tanzania.

Please accept, Your Excellency, the assurances of my highest consideration.

Ibrahim M. KADUMA  
*Minister for Foreign Affairs*

H.E. Dr. Munyua WAIYAKI  
*Minister for Foreign Affairs,*  
*Office of the Minister,*  
*Nairobi, Kenya*

7. AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC CONCERNING SALVAGE OPERATIONS IN THE INTERNAL WATERS AND TERRITORIAL SEAS OF THE KINGDOM OF DENMARK AND THE GERMAN DEMOCRATIC REPUBLIC, DONE AT BERLIN, 13 OCTOBER 1976<sup>1</sup>

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<sup>1</sup> Danish and German texts provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

The Government of the Kingdom of Denmark and the Government of the German Democratic Republic,

Desiring to strengthen the good-neighbourly relations between the two States on the basis of the principles of international law,

Taking into account the fact that prompt assistance to ships in distress and their cargoes may be of vital importance.

Bearing in mind the fact that ships in distress must have an opportunity to make use of such assistance as is most expedient in each individual case,

Have agreed to conclude this Agreement.

#### *Article 1*

For the purposes of this Agreement:

1. "Ship" means a vessel of any type which is used at sea, including hydrofoil boats, air-cushion vessels, submarines, floating vessels and fixed or floating platforms.
2. "Salvage" means any operation conducted from the sea, including assistance and towage, to save ships in distress and their cargo.
3. "Accident at sea" means any collision, shipwreck, stranding, inability to manoeuvre or other event on board or outside a ship which leads or may lead to imminent danger to a ship or its cargo.

#### *Article 2*

1. This Agreement shall apply to the internal waters and territorial sea of the German Democratic Republic with the exception of areas, as specified in *Nautische Mitteilungen für Seefahrer*, in which navigation and anchoring are prohibited or in which nationals of the German Democratic Republic are prohibited from fishing.

2. This Agreement shall apply to Danish internal waters and the Danish territorial sea in the Baltic, in the Kattegat and the Skagerrak, in the North Sea, in the Danish Sounds and Belts and in the waters surrounding the Faroe Islands, with the exception of areas, as specified in *Efterretninger för Sjöfarende*, in which navigation or anchoring are prohibited or in which Danish nationals are prohibited from fishing.

3. Applications for permission to conduct salvage operations in areas in which salvage is prohibited under paragraphs (1) and (2) shall be given sympathetic and prompt consideration.

#### *Article 3*

(1) If a ship flying the flag of one of the Contracting Parties, while navigating or staying in the internal waters or the territorial sea of the other Contracting Party, experiences an accident at sea, the ship's master or owner shall be permitted to call for salvage assistance from ships flying the flag of one of the Contracting Parties.

(2) If a ship flying the flag of one of the Contracting Parties and situated outside the territorial waters of the other Contracting Party experiences an accident at sea which affects its seaworthiness and the ship requires immediate assistance, it may, with the assistance of another ship flying the same flag, be brought into the territorial sea or internal waters of the other Contracting Party for repair. In such a case the provisions of article 4 concerning admission to the territorial sea and internal waters shall also apply to the assisting ship.

(3) Ship flying the flag of the one of the Contracting Parties and situated in the territorial sea or internal waters of the other Contracting Party shall be under obligation, with due regard to the provisions of this Agreement to observe the laws and regulations of that Contracting Party, especially in respect of salvage operations and the sojourn of foreign ships and nationals.

(4) The provisions of paragraph (1) shall not affect the right of the Contracting Party concerned to conduct operations in its territorial sea or internal waters with a view to averting serious and imminent dangers which pose a threat to that Contracting Party or to navigation in connexion with the accident.

#### *Article 4*

(1) The right of admission to the internal waters and territorial seas of the Contracting Parties for the purpose of conducting salvage operations which is provided for in article 3 is granted on the condition that information about the nature and scope of the accident and the names of the organization and the ship or ships which are to conduct the salvage operations is furnished to the competent authorities of the country in whose internal waters or territorial sea the ship in distress is situated.

(2) Such information shall be furnished as soon as possible, and in any case not later than the time when the salvage ship enters the territorial sea of the other Contracting Party.

(3) If the salvage ship referred to in paragraph (2) is already in the other Party's territorial sea or internal waters, the information referred to in paragraph (1) shall be furnished before salvage operations are begun.

(4) The procedure for furnishing the information referred to in this article shall be laid down in an exchange of letters.

#### *Article 5*

(1) The use of salvage ships not flying the flag of one of the Contracting Parties shall require the permission of the Contracting Party in whose territorial sea or internal waters assistance is to be rendered from the sea. The same shall apply when salvage equipment which does not belong to the authorities of one of the Contracting Parties or to an individual or body corporate domiciled in the State of one of the Contracting Parties is to be used.

(2) Permission under paragraph (1) shall be granted as soon as possible, unless there is some important reason for refusal.

(3) The procedure for requesting the permission referred to in this article shall be laid down in an exchange of letters.

#### *Article 6*

Salvage operations by naval vessels and ships used by the State for non-commercial purposes may be conducted in accordance with the laws and regulations in force at the time and in each Contracting State regarding the admission and sojourn of such foreign ships in its territorial sea and internal waters.

#### *Article 7*

(1) If a ship flying the flag of one of the Contracting Parties has experienced an accident at sea in the territorial sea or internal waters of the other Contracting Party and if, as a result, the ship poses a danger to or seriously hampers navigation or fishing, or there is pollution by oil or some other noxious substance or there is reason to fear a significant risk thereof, the competent authorities may call upon the ship's owner to remove the ship within a reasonable time or, if the ship has sunk, to provide such depth over the wreck as is necessary in the circumstances. The period deemed to be a reasonable time shall be the total time required for transmitting the notification, for conducting the necessary negotiations with the salvage enterprises for making the necessary preparations for salvage operations, and for the salvage ship to reach the site of the accident.

(2) Each Contracting Party shall ensure that the master of any ship flying its flag, in the event of an accident leading to the ship's sojourn in the territorial sea or internal waters of the other Contracting Party, shall provide, at the request of the latter Party's authorities, such detailed information concerning the ship and its cargo as is relevant to measures for preventing or combating marine pollution and that he shall co-operate with those authorities.

(3) If the owner of a ship flying the flag of one of the Contracting Parties refuses or is unable to remove the ship or initiate the measures referred to in paragraph (1) within a reasonable time, the competent authorities of the other Party may themselves take the necessary measures at the owner's expense.

(4) If the salvage or removal of the wreck is urgently necessary because of a danger to navigation or the threat of marine pollution, or in some other way to limit the scope of the accident, the authorities of the Contracting Party concerned may themselves at the owner's expense, arrange for salvage or removal of the wreck or take measures to provide the necessary depth over the wreck.

(5) In no case referred to in this article shall the ship's owner be responsible for expenses exceeding the limitation of liability for ships flying the flag of the country concerned.

(6) If a ship flying the flag of one of the Contracting Parties experiences an accident at sea in waters which lie outside the territorial sea but in which the authorities of the other Contracting Party are responsible for the safety of international navigation, and if, as a result, the ship poses a danger to or seriously hampers navigation, the competent authorities of both Contracting Parties shall immediately undertake negotiations with a view to ensuring the early salvage or removal of the ship.

*Article 8*

(1) This Agreement shall not affect the rights and obligations of the Contracting Parties deriving from international conventions on the law of the sea and on navigation.

(2) This Agreement shall not affect the positions of the Contracting Parties with regard to questions concerning the international law of the sea.

*Article 9*

The application of this Agreement to naval vessels and ships used by the State for non-commercial purposes shall in no way restrict the immunities of those ships deriving from the generally recognized rules of international law.

*Article 10*

This Agreement is concluded for a period of three years. It shall be extended for successive one-year periods unless one of the Contracting Parties denounces it in writing not later than six months before the expiry of the period of validity.

*Article 11*

This Agreement shall enter into force on the date of the exchange of diplomatic notes in which the Contracting Parties inform each other that the constitutional requirements for the entry into force of the Agreement have been fulfilled.

DONE at Berlin on 13 October 1976, in duplicate in the Danish and German languages, both texts being equally authentic.

8. SUPPLEMENTARY AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE EXTENSION OF THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR FROM POSITION 13 M TO THE TRIJUNCTION POINT BETWEEN SRI LANKA, INDIA AND MALDIVES (POINT T), SIGNED AT COLOMBO ON 22 NOVEMBER 1976<sup>1</sup>

*The Government of the Republic of Sri Lanka and the Government of the Republic of India,*

<sup>1</sup>Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 May 1977.



*Recalling* the Agreement between Sri Lanka and India on the Maritime Boundary between the two countries in the Gulf of Mannar and the Bay of Bengal and related matters, which was signed in March 1976, . . .,<sup>1</sup> and which, in article I, provides that "The extension of the boundary beyond position 13 m will be done subsequently",

*Recalling* the Agreement between Sri Lanka, India and Maldives concerning the determination of the trijunction point between the three countries in the Gulf of Mannar, which was signed by the representatives of the three Governments in July 1976, . . .<sup>2</sup>

*And desiring* to extend the maritime boundary between Sri Lanka and India in the Gulf of Mannar from position 13 m to the trijunction point (Point T),

*Have agreed* as follows:

#### *Article I*

The maritime boundary between Sri Lanka and India in the Gulf of Mannar beyond position 13 m, defined in the Maritime Boundary Agreement of March 1976 (Annex I), up to the trijunction point (Point T) defined in the trilateral agreement of July 1976 (Annex II), shall be of Great Circles between the following positions, defined by latitude and longitude:

Position 13 m: 05° 00'.0.N., 77° 10'.6 E

Point T: 04° 47'.04.N., 77° 01'.40 E

#### *Article II*

The provisions of article III to article VII of the Maritime Boundary Agreement of March 1976 (Annex I) shall apply, *mutatis mutandis*, to this Agreement, as if this Agreement were supplementary to and an integral part of that Agreement.

<sup>1</sup> *Supra*, 5.

<sup>2</sup> *Supra*, division II, subdivision A, 1.



**Division II**  
**ECONOMIC OR FISHING ZONES**

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**Subdivision A. Multilateral treaties**

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AGREEMENT BETWEEN SRI LANKA, INDIA AND MALDIVES  
CONCERNING THE DETERMINATION OF THE TRIJUNCTION  
POINT BETWEEN THE THREE COUNTRIES IN THE GULF  
OF MANNAR, SIGNED AT COLOMBO ON 23 AND 24 JULY  
1976 AND AT MALE ON 31 JULY 1976<sup>1</sup>

*The Government of the Republic of Sri Lanka, the Government of  
the Republic of India and the Government of the Republic of Maldives,*

*Recalling the Agreement between Sri Lanka and India on the Maritime  
Boundary between the two countries in the Gulf of Mannar etc. signed in  
March 1976,*<sup>2</sup>

*Noting the negotiations which are being conducted between India and  
Maldives concerning maritime boundary between their two countries in the  
Arabian Sea,*

*And desiring to determine the location of the trijunction point between  
Sri Lanka, India and Maldives in the sea beyond the Gulf of Mannar,*

*Have agreed as follows:*

*Article 1*

The trijunction point between Sri Lanka, India and Maldives in the sea beyond the Gulf of Mannar, which is equidistant from the nearest points on the coasts of Sri Lanka, India and Maldives respectively, shall be the point, which has been agreed to be called point T, defined by latitude and longitude as follows:

Point T: 04°47.04"N (latitude) 77°01.40"E (longitude)

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<sup>1</sup> Entered into force on 31 July 1976 pursuant to article IV. Text provided by the Permanent Representative of Sri Lanka in a note verbale of 26 May 1977.

<sup>2</sup> *Supra*, division I, subdivision B, 5.

*Article II*

The trijunction point (point T), whose geographical co-ordinates have been mentioned in article I, has been indicated in the chart annexed hereto, which has been signed by the persons duly authorized for the purpose by the three Governments, respectively.

*Article III*

The actual location at sea and on the sea-bed of the trijunction point shall be determined by a method to be mutually agreed upon by the persons authorized for the purpose by the three Governments, respectively.

## Subdivision B. Bilateral treaties

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1. [AGREEMENT ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND MARITIME CO-OPERATION BETWEEN THE REPUBLICS OF ECUADOR AND COLOMBIA, SIGNED AT QUITO ON 23 AUGUST 1975]<sup>1</sup>
2. [ACCORD ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE ET LE GOUVERNEMENT DE L'ETAT ESPAGNOL EN MATIERE DE COOPERATION OCEANOLOGIQUE, SIGNE A MADRID LE 11 DECEMBRE 1975]<sup>2</sup>
3. AGREEMENT OF 28 NOVEMBER 1975 BETWEEN THE GOVERNMENTS OF THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF ICELAND RELATING TO FISHING AND TO THE CONSERVATION OF LIVING RESOURCES IN THE WATERS AROUND ICELAND<sup>3</sup>

### *Exchange of letters*

#### I

Ministry for Foreign Affairs  
Reykjavik

28 November 1975

Your Excellency,

I have the honour to refer to the discussions which have taken place between our two Governments on the fisheries dispute between our two countries relating to the Icelandic regulations of 14 July 1972 and 15 July 1975 concerning the fishery limits off Iceland. Upon the basis of these discussions the following arrangement relating to fishing and to the conservation of living resources in the waters around Iceland has been agreed upon:

1. The sea area around Iceland to which this Agreement applies is shown on the map which forms Annex I to this Agreement. In the event that Iceland agrees with another State concerned to a boundary line differing from the lines shown on the map, that line shall automatically apply to the present Agreement.

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<sup>1</sup> *Supra*, division I, subdivision B, 3.

<sup>2</sup> *Ibid.*, 4.

<sup>3</sup> *Bundesgesetzblatt* 1976, part II, p. 1852. Text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale dated 2 August 1977.

2. The Government of the Federal Republic of Germany shall ensure that the total annual catch of vessels registered in the Federal Republic of Germany in the sea area around Iceland shall not exceed 60,000 metric tons of which not more than 5,000 metric tons may consist of cod.

The Federal Research Board for Fisheries will keep the Fisheries Association of Iceland informed on the progress of the catches involved.

3. The Government of the Federal Republic of Germany shall ensure that only those vessels registered in the Federal Republic of Germany fish in the sea area around Iceland which are included in a list of vessels annexed to this Agreement (Annex II).

4. The Government of the Federal Republic of Germany shall ensure that vessels registered in the Federal Republic of Germany shall not fish in an area which is defined as follows:

(1) Off the south east coast of Iceland:

By the parallel of 65°00'N, thence 25 nautical miles from baseline to parallel 64°50.5'N, thence 23 nautical miles from baseline to longitude 15°00'W.

(2) Off the west coast of Iceland:

By the longitude 22°00'W, thence 25 nautical miles from baseline to parallel 63°40'N, thence 50 nautical miles from baseline to parallel 64°50'N, thence 40 nautical miles from baseline to parallel 65°30'N, thence 50 nautical miles from baseline to 67°13'N and 23°51'W and from there 340° true.

During the period 1 June to 30 November the limit north of parallel 66°00'N will be as follows:

(a) 66°00'N, 25°33'W to

(b) 66°43'N, 24°18'W to

(c) 66°58'N, 23°37'W

and from there 340° true.

The area is shown on the map which forms Annex I to this Agreement.

5. In order to protect concentrations of young or spawning fish within the sea area around Iceland, the Government of the Federal Republic of Germany shall ensure that German trawlers abstain from such fishing operations in such areas and during such periods as will be prohibited for Icelandic fishing vessels by the competent Icelandic authorities. Such measures which shall be based on objective and scientific criteria and which shall not discriminate in fact or in law shall be duly notified to the Government of the Federal Republic of Germany or such authorities as may be designated by the latter.

6. As further contribution to the conservation of the fish stocks around Iceland, the Government of the Federal Republic of Germany shall ensure:

(a) German fishing vessels operating in the sea area around Iceland will not fish for or retain on board fish which are of smaller size or weight

than indicated in the relevant provisions of the regulations for Icelandic fishermen, duly notified to the Government of the Federal Republic of Germany or such authorities as may be designated by the latter.

(b) Moreover, German fishing vessels operating in the sea area around Iceland, will not use, as from 16 August 1976, nets with meshes smaller than 135 mm in size.

(c) If at a later stage Iceland should decide to introduce other mesh-sizes for Icelandic trawlers, the same sizes shall apply for German trawlers, provided that the new sizes are duly notified and an adjustment period of not less than one year is foreseen.

7. The Government of the Federal Republic of Germany shall ensure that the position of the vessels included in the list annexed to this Agreement while fishing in the sea area around Iceland will be reported on a daily basis by a German fishery protection vessel to the Icelandic coast guard. The two Governments may agree upon other agencies by which and to which the reporting is to be effected.

8. If there is a reason to believe that an infringement of the present Agreement has occurred, Icelandic coast guard vessels may stop fishing vessels registered in the Federal Republic of Germany in any part of the sea area around Iceland.

They may send an official on board of German vessels to inspect the logbooks and catch records and to examine the fishing gear and the catch on board.

If the official of the Icelandic coast guard holds that an infringement of the Agreement has occurred, he shall summon the nearest German fishery protection vessel in order to establish the facts. Any trawler found to have violated the terms of the Agreement will be crossed off the list provided for under paragraph 3 of this Agreement.

9. The Agreement will run for two years from the present date.

10. This Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Republic of Iceland within three months from the date of entry into force of this Agreement.

If the foregoing is acceptable to your Government I have the honour to propose that this Note and Your Excellency's reply in that sense shall constitute an Agreement between our two Governments which shall become effective forthwith and be registered with the Secretary-General of the United Nations in accordance with Article 102 of the United Nations Charter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Einar AGUSTSSON

His Excellency  
Mr. Raimund HERGT  
*Ambassador of the Federal Republic  
of Germany  
Reykjavik*

II

Embassy of the Federal Republic of Germany

Reykjavik, 28 November 1975

Your Excellency,

I have the honour to acknowledge receipt of your note of 28 November 1975, reading as follows:

[See note I]

In reply, I have the honour to inform you that the Government of the Federal Republic of Germany agrees with the arrangement proposed in your note and that your note and this reply shall constitute an Agreement between our two Governments which shall become effective forthwith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency

Mr. Einar AGUSTSSON

*Minister for Foreign Affairs  
of the Republic of Iceland  
Reykjavik*

III

Embassy of the Federal Republic of Germany

Reykjavik, 28 November 1975

Your Excellency,

In connexion with the completion scheduled for today of an exchange of notes between our two Governments on an arrangement relating to fishing and conservation of living resources in the waters around Iceland agreed upon with a view to the fisheries dispute between our two countries and to the exceptional dependence of the Icelandic nation upon coastal fisheries for their livelihood and economic development, I have the honour to state the following:

The said exchange of notes can in no way be deemed to prejudice the position of either Government as to any question concerning the law of the sea.

I should appreciate Your Excellency's confirmation of this letter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency

Mr. Einar AGUSTSSON

*Minister for Foreign Affairs  
of the Republic of Iceland  
Reykjavik*



## IV

Ministry for Foreign Affairs  
Reykjavik

28 November 1975

Your Excellency,

I have the honour to confirm the contents of your letter of today reading as follows:

[See note III]

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency  
Mr. Raimund HERGT  
*Ambassador of the Federal Republic  
of Germany*

## V

Embassy of the Federal Republic of Germany

Reykjavik, 28 November 1975

Your Excellency,

I have the honour to refer to the exchange of notes between our two Governments on an arrangement relating to fishing and conservation of living resources in the waters around Iceland, and, in this connexion, I should like to state the following:

With a view to the close link which exists between the settlement of the fisheries dispute and the coming into force of Protocol No. 6 which constitutes an annex to the Agreement between the European Communities and the Republic of Iceland of 22 July 1972, both Governments agree that, following previous consultations, the application of the present Agreement may be suspended, if Protocol No. 6 has not come into force within five months, regardless of the duration provided for in paragraph 9 of the present Agreement.

I should appreciate Your Excellency's confirmation of this note.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency  
Mr. Einar AGUSTSSON  
*Minister for Foreign Affairs  
of the Republic of Iceland  
Reykjavik*

## VI

*Ministry for Foreign Affairs  
Reykjavik*

28 November 1975

Your Excellency,

I have the honour to confirm the contents of your letter of today reading as follows:

[See note V]

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

His Excellency

Mr. Raimund HERGT

*Ambassador of the Federal Republic  
of Germany  
Reykjavik*

4. (i) [AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR AND THE BAY OF BENGAL AND RELATED MATTERS, SIGNED AT NEW DELHI ON 23 MARCH 1976]<sup>1</sup>
- (ii) [EXCHANGE OF LETTERS]<sup>2</sup>
5. AGREEMENT BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF CANADA ON MUTUAL FISHERIES RELATIONS, DONE AT MADRID ON 10 JUNE 1976<sup>3</sup>

The Government of Spain and the Government of Canada,

Having regard to the concern of both Governments for the rational management, conservation and utilization of the living resources of the sea, and the concern of the Government of Canada for the welfare of its coastal communities and for the living resources of the adjacent waters upon which these communities depend,

Recognizing that the Government of Canada proposes to extend its jurisdiction over the living resources of its adjacent waters pursuant to and

<sup>1</sup> *Supra*, division I, subdivision B, 5.

<sup>2</sup> *Ibid.*

<sup>3</sup> Entered into force 10 June 1976 pursuant to the final clause. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version of the agreement, which was registered with the Secretariat of the United Nations on 25 November 1977 by the Government of Spain.

in accordance with relevant principles of international law, and to exercise within these areas sovereign rights for the purpose of exploring and exploiting, conserving and managing these resources,

Taking into account traditional Spanish fishing off Canada's Atlantic coast and Spanish interests therein,

Reaffirming their desire to maintain mutually beneficial co-operation in the field of fisheries,

Desirous of establishing the terms and conditions under which their mutual fishery relations shall be conducted and of promoting the orderly development of the law of the sea,

Taking into account developing State practice and the consensus emerging from the Third United Nations Conference on the Law of the Sea,

Recalling their Agreement of 18 December 1972<sup>1</sup> concerning fisheries relations between the two countries,

Have agreed as follows:

#### *Article I*

The Government of Spain and the Government of Canada undertake to ensure close co-operation between the two countries in matters pertaining to the conservation and utilization of the living resources of the sea. They shall take appropriate measures to facilitate such co-operation and shall continue to consult and co-operate in international negotiations and organizations with a view to achieving common fisheries objectives.

#### *Article II*

1. The Government of Canada undertakes, upon the extension of the area under Canadian fisheries jurisdiction, to permit Spanish vessels to fish within this area, beyond the present limits of the Canadian territorial sea and fishing zones off the Atlantic coast, for allotments, as appropriate, of parts of total allowable catches surplus to Canadian harvesting capacity, in accordance with the provisions of paragraphs (2) and (3) of this Article.

2. In the exercise of its sovereign rights in respect of living resources in the area referred to in paragraph (1), the Government of Canada shall determine annually, subject to adjustment when necessary to meet unforeseen circumstances:

(a) the total allowable catch for individual stocks or complexes of stocks, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;

(b) the Canadian harvesting capacity in respect of such stocks; and

(c) after appropriate consultations, allotments, as appropriate, for Spanish vessels of parts of surpluses of stocks or complexes of stocks.

3. To fish for allotments pursuant to the provisions of paragraphs (1) and (2), Spanish vessels shall obtain licences from the competent authorities

<sup>1</sup> Reproduced in ST/LEG/SER.B/18, pp. 577-580.

of the Government of Canada. They shall comply with the conservation measures and other terms and conditions established by the Government of Canada and shall be subject to the laws and regulations of Canada in respect of fisheries.

4. The Government of Spain undertakes to co-operate with the Government of Canada, as appropriate in light of the development of fisheries relations between the two countries pursuant to the provisions of this Article, in scientific research for purposes of conservation and management of the living resources of the area under Canadian fisheries jurisdiction off the Atlantic coast.

5. The Government of Canada undertakes to authorize Spanish vessels licenced to fish pursuant to the provisions of this Article, to enter Canadian Atlantic ports, in accordance with Canadian laws, regulations and administrative requirements, for the purpose of purchasing bait, supplies or outfits, or effecting repairs, and such other purposes as may be determined by the Government of Canada, subject to the availability of facilities and the needs of Canadian vessels. Such authorization shall become null and void in respect of any vessel upon the cancellation or termination of its licence to fish, except for the purpose of entering port to purchase supplies or effect repairs necessary for its outward voyage. The provisions of this paragraph shall not affect the question of access to Canadian ports in cases of distress, medical emergency or force majeure, or by vessels not involved in fishing in the area off the Canadian coast.

### *Article III*

1. The Government of Spain and the Government of Canada recognize that States in whose rivers anadromous stocks originate have the primary interest in and responsibility for such stocks and agree that fishing for anadromous species should not be conducted in areas beyond the limits of national fisheries jurisdiction. They will continue to work together for the establishment of permanent multilateral arrangements reflecting this position.

2. Pursuant to paragraph (1), the Government of Spain shall take measures to avoid the taking by its vessels and by persons under its jurisdiction of anadromous stocks spawned in Canadian waters.

### *Article IV*

The Government of Spain and the Government of Canada undertake to co-operate directly or through appropriate international organizations to ensure proper management and conservation of the living resources of the high seas beyond the limits of national fisheries jurisdiction, including areas of the high seas beyond and immediately adjacent to the areas under their respective fisheries jurisdiction, taking into account their interests in such resources.

### *Article V*

The Government of Spain shall take measures to ensure that Spanish fishing vessels operate in compliance with the provisions of this Agreement.

### *Article VI*

1. The Government of Spain and the Government of Canada shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further co-operation. In particular, they shall promote future bilateral co-operation on such matters as exchanges of technical information and personnel, improvement of utilization and processing of catches, expansion of markets for fish and fish products originating in Canada, and, bearing in mind the obligations of both countries as contracting parties to the General Agreement on Tariffs and Trade, shall promote the reduction or elimination of tariff and non-tariff barriers for such products. They shall examine jointly the facilitation of co-operative arrangements between Canadian and Spanish enterprises with respect to the utilization of living resources of waters off the Canadian Atlantic coast, and the possibility of arrangements for the use of Canadian Atlantic ports by Spanish fishing vessels to ship or discharge crew members or other persons and for such other purposes as may be agreed upon.

2. In the consultations referred to in paragraph 2 (c) of Article II regarding allotments for Spanish fishing vessels of parts of surpluses of stocks or complexes of stocks, the Government of Canada will take into consideration all relevant factors, including *inter alia* Canadian interests, the development of co-operation between the two Governments pursuant to the provisions of this Agreement, and previous catches of the Spanish fleet in respect of such stocks or complexes of stocks.

### *Article VII*

1. The present Agreement shall be without prejudice to other existing Agreements between the two Governments or to existing multilateral Conventions to which the two Governments are party or to the views of either Government with regard to the Law of the Sea.

2. The present Agreement shall be subject to review by the two Governments after a period of two years or at any time following ratification by both Governments of a future multilateral Convention dealing with the same substantive matters. It may be terminated by either party ten years after the date of its entry into force, or at the conclusion of any six-year period thereafter, provided that notice of termination is given not less than twelve months before the expiry of any such period.

## 6. FISHERIES AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND THE REPUBLIC OF CUBA, DONE AT MEXICO CITY ON 26 JULY 1976<sup>1</sup>

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<sup>1</sup> Entered into force on 26 July 1976 pursuant to Article XIV. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

The Government of the United Mexican States and the Government of the Republic of Cuba,

Desiring to establish appropriate conditions for the conduct of their mutual relations with respect to fishing, seeking to maintain and strengthen the friendly ties existing between the two States, taking into account the fact that they are developing countries, and guided by the practice that has been followed by States and the consensus emerging from the Third United Nations Conference on the Law of the Sea,

Recognizing that the Government of the United Mexican States has proclaimed and will enforce, as from 31 July 1976, the provisions establishing its Exclusive Economic Zone to a distance of 200 nautical miles from the baseline from which the territorial sea is measured, in which it exercises sovereign rights for purposes of exploration and exploitation, conservation and management of the natural resources, both renewable and non-renewable, of the sea-bed, including the subsoil and the superjacent waters,

Cognizant of the fact that the two Governments, on this date and by means of an exchange of notes, have agreed on delimitation in the sector adjoining the maritime spaces in the Yucatán Channel and vicinity,

Considering that the Government of Mexico will ensure through proper management and conservation measures that the living resources in its Exclusive Economic Zone are not endangered by over-exploitation and that, for this purpose, it has determined or will in due course determine the allowable catch of the different species and living resources in its Exclusive Economic Zone,

Considering that the Government of the United Mexican States plans to promote the optimum utilization of the living resources of the Exclusive Economic Zone and that when the total allowable catch of a species is greater than the fishing and hunting capacity of Mexican vessels, the Government will allow foreign vessels access to the surplus of the allowable catch in accordance with the national interest and under the conditions established by the Federal Executive Branch,

Bearing in mind that the Government of Mexico desires that all the living resources in its Exclusive Economic Zone, within the allowable catch, should be used by its nationals for their benefit and to promote the development of the Mexican fisheries industry, the creation of employment, and the ability to compete in international markets,

Bearing in mind further the fishing activities in which nationals of the Republic of Cuba have traditionally engaged in areas now included within the Exclusive Economic Zone of Mexico,

Have agreed as follows:

#### *Article I*

The Government of Mexico shall allow vessels of the Republic of Cuba access to its Exclusive Economic Zone so that, under the terms and

conditions established in this Agreement, they may fish for such portion of the allowable catch as the Government of Mexico may determine to be in excess of the capacity of Mexican vessels.

#### *Article II*

1. In the exercise of its sovereign rights over the living resources of its Exclusive Economic Zone, the Government of Mexico shall each year determine, subject to such adjustments as may be made by reason of unforeseen circumstances substantially affecting the species concerned:

(a) The total volume of the allowable catch by species, having regard to such considerations as it may deem appropriate, including any scientific data available to it;

(b) The fishing capacity of Mexican vessels in respect of the species concerned;

(c) The surplus of those species and, following the consultations referred to in article XII of this Agreement, the share of that surplus which may be caught by vessels of the Republic of Cuba.

2. The Government of Mexico shall notify the Government of the Republic of Cuba of the decisions referred to in the preceding paragraph not later than 15 May of each year.

#### *Article III*

In order that they may have access to the surplus of a given species as determined by the Government of Mexico in accordance with Article II, fishing vessels of the Republic of Cuba shall receive the relevant permits granted by the competent Mexican authorities and shall observe such conservation and other measures relating to the management of the living resources as may be established by the Government of Mexico to regulate such access. The said permits shall not be amended during their period of validity except in the unforeseen cases referred to in article II.

#### *Article IV*

1. Permits issued by the Government of Mexico in accordance with article III shall be subject to payment of the relevant fees. The agreed volumes of catch shall be subject to tax, which may vary according to the species concerned, as set forth in the annex to this Agreement.

2. The fees and taxes in question shall be established in accordance with the relevant Mexican legislation and must be paid as determined by the Government of Mexico.

#### *Article V*

The Government of the Republic of Cuba shall each year address a formal request to the Government of Mexico, through the Secretariat for Foreign Affairs, under terms previously agreed by Mexico in the con-

sultations referred to in article XII. The request shall specify the tonnage of each species for which permits to fish in the Exclusive Economic Zone are requested, the areas in which the proposed fishing would take place, the number and type of fishing vessels concerned, the name and registration number of each vessel, the name and address of the owner and the home port of each vessel, the capacity of the hold and net tonnage of each vessel, the power of its engine, the number of crew members and the gear to be used by each vessel, and the data requested on the National Fishing Registration Form. Within 30 days after receiving the request, the Government of Mexico shall deliver the permits in question to the Government of the Republic of Cuba through the Cuban Embassy in Mexico.

#### *Article VI*

Permits issued by the Government of Mexico to fishing vessels of the Republic of Cuba in accordance with this Agreement shall be conspicuously displayed in the command cabin of each vessel together with the National Fishing Registration Form, which must specify the conditions and restrictions applicable to each vessel's fishing operations. The permits shall specify the name, the registration number and the name of the owner, the area or areas where fishing is permitted, which species may be caught directly and the period of validity of the permit.

#### *Article VII*

1. The Government of the Republic of Cuba shall take all necessary steps to ensure that the captains or masters and the crews of Cuban fishing vessels holding valid permits to fish in accordance with this Agreement co-operate with the Mexican naval personnel responsible for enforcing it.
2. The authorities in question shall have the right to stop, board and inspect any vessel flying the Cuban flag that is fishing in the Zone whenever there are valid reasons for suspecting that it is not complying with the requirements established for its fishing activity by the Government of Mexico under the terms of this Agreement. In the exercise of these duties, the Mexican authorities shall endeavour not to obstruct fishing operations.
3. In the event that a vessel of the Republic of Cuba is detained, the Government of Cuba shall be notified forthwith, through the diplomatic channel, of the measures taken and the penalties imposed.

#### *Article VIII*

1. The Government of Mexico may impose measures and penalties as established by its laws, on Cuban fishing vessels that commit violations of Mexican legislation. In particular, such measures and penalties may include seizure of the catch and the gear, fines, detention of the vessel, and the setting of bail.
2. Detained vessels and their crews shall be released immediately upon the posting of a bond or other guarantee.



3. Penalties for violations of the fishing regulations applicable to vessels of the Republic of Cuba shall not include imprisonment or any other form of physical punishment.

4. In the annual consultations referred to in article XII, the Government of Mexico shall take into consideration any violations committed by Cuban fishing vessels in previous years.

#### *Article IX*

The Government of the Republic of Cuba shall transmit each month to the Government of Mexico statistical data on the catches made by its vessels in the Exclusive Economic Zone, as provided in the annex to this Agreement.

#### *Article X*

The Government of Mexico reserves the right to place training personnel of Mexican nationality, to the extent agreed upon by the two Governments, on board fishing vessels of the Republic of Cuba authorized to engage in fishing activities in the Exclusive Economic Zone.

#### *Article XI*

1. The Governments of the United Mexican States and of the Republic of Cuba shall continue to promote bilateral co-operation in fisheries research, at the level of technical institutes, in connexion with the exchange of technical information and personnel, the expansion of markets for fish and fishery products originating in the Exclusive Economic Zone of Mexico, and the development of new fish-processing technologies, fishing techniques, and fishing gear and vessels. They shall also continue to develop existing co-operation in scientific research programmes in their respective jurisdictions with a view to contributing to the optimum utilization of living resources that are of interest to both.

2. The Government of the Republic of Cuba shall transmit to the Government of Mexico, in so far as exclusive rights of third parties are not affected, information on the technology utilized in Cuban fishing operations authorized by this Agreement and in the processing of the catch from the Exclusive Economic Zone.

#### *Article XII*

1. In April of each year, the Government of Mexico and the Government of the Republic of Cuba shall hold bilateral consultations concerning the application of this Agreement and the possibilities of expanding co-operation in the matter of fishing between the two countries, the date and place of the consultations to be determined by mutual agreement through the diplomatic channel.

2. During the annual consultations, in addition to the matters specified in article II of this Agreement, the two Governments shall give special attention to the following:

- (a) Species;
- (b) Tonnage of the catch;

- (c) Type and size of vessels;
- (d) Legal provisions in force and contemplated;
- (e) Regulatory measures—in force and contemplated—relating to the conservation and management of resources;
- (f) Any other matters relating to the execution of this Agreement.

*Article XIII*

This Agreement shall not affect such bilateral agreements as may be in force between the two Governments, nor does it prejudice the position of either Government with regard to the law of the sea. In particular, nothing in this Agreement shall affect the exercise of the right of free navigation by Cuban fishing vessels in the Exclusive Economic Zone of Mexico.

*Article XIV*

1. This Agreement, including its annex,<sup>1</sup> shall enter into force on the date of its signature and shall remain in force until such time as either of the parties terminates it by means of formal notification delivered six months prior to the annual consultations referred to in article XII.

2. The annex to this Agreement shall be reviewed annually.<sup>1</sup>

7. [SUPPLEMENTARY AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE EXTENSION OF THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR FROM POSITION 13 M TO THE TRIJUNCTION POINT BETWEEN SRI LANKA, INDIA AND MALDIVES (POINT T), SIGNED AT COLOMBO ON 22 NOVEMBER 1976]<sup>2</sup>

8. FISHING AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND MEXICO, DONE AT MEXICO CITY ON 24 NOVEMBER 1976<sup>3</sup>

The Government of the United States of America and the Government of Mexico:

Desirous of establishing appropriate conditions under which their mutual fishery relations shall be conducted so as to maintain and strengthen the friendly relations existing between both countries,

Considering that the Government of Mexico has enacted and, as of 31 July 1976, has been enforcing, the provisions of the "Law to Regulate Paragraph 8 of Article 27 of the Political Constitution of Mexico establishing

<sup>1</sup> The annex is not reproduced.

<sup>2</sup> *Supra*, division I, subdivision B, 8.

<sup>3</sup> Entered into force on 24 November 1976 according to article XXI. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. The text reproduced is the authentic English version of the agreement, which was registered with the Secretariat of the United Nations on 24 November 1978 by the Government of the United States.

an Exclusive Economic Zone" off the coasts of Mexico, in which Mexico will exercise by virtue of that law sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, both living and non-living, of the seabed, subsoil and superjacent waters, within 200 nautical miles from the baseline from which the territorial sea is measured,

Considering that the Government of the United States of America has enacted and, as of 1 March 1977, will enforce the provisions of the "Fishery Conservation and Management Act of 1976" establishing a fishery conservation zone off the coasts of the United States, as a consequence of which the United States will exercise and recognize by virtue of that Act fishery management authority as set forth therein,

Taking into account the emerging consensus at the Third United Nations Conference on the Law of the Sea, and their respective positions with regard to the law of the sea,

Noting that the two Governments have reached agreement on the provisional delimitation of the common maritime boundaries off their respective coasts in the Gulf of Mexico and in the Pacific Ocean, as provided by the exchange of notes of this date,

Considering further that the Government of Mexico will adopt adequate conservation and management measures in order that the living resources in the Zone off the coast of Mexico are not endangered by over-exploitation,

Considering further that the Government of Mexico will promote the objective of optimum utilization of the living resources in the Zone off the coast of Mexico and shall give access to foreign vessels to the surplus which will result if the total of the allowable catch is greater than the harvesting capacity of Mexican vessels, in accordance with its national interest and under the conditions adopted by Mexico,

Mindful of the Government of Mexico's intention to have its nationals utilize all the living resources in the Zone within the allowable catch for their own benefit, for the development of the Mexican fishing industry, generation of employment and participation in international markets,

Aware of the history of close co-operation between them as neighbouring States based on the interrelationship of their fisheries interests, and the co-operation of their scientists,

Taking into account past fishing by nationals of the United States who have habitually fished in areas in the Zone off the coasts of Mexico, and the contribution of scientists of the United States to research and identifications of stocks,

Have agreed as follows:

#### *Article I*

The purpose of this Agreement is to establish the principles and procedures under which fishing for certain living resources in the Zone

established by Mexico, hereinafter referred to as "the Zone" may be conducted by vessels of the United States and to promote co-operation in the effective conservation, optimum utilization and management by Mexico of such resources.

#### *Article II*

The Government of Mexico will allow fishing vessels of the United States to harvest in the Zone in accordance with terms and conditions established in this Agreement a portion, determined by the Government of Mexico, of the allowable catch for those fisheries where there is a surplus above the harvesting capacity of Mexican vessels.

#### *Article III*

1. In the exercise of its sovereign rights over living resources in the Zone, the Government of Mexico will determine annually, subject to such adjustments as may be necessitated by unforeseen circumstances affecting the stocks:

(a) The allowable catch for the living resources in the Zone, taking into account in good faith, all the pertinent factors, including the best scientific evidence available to it;

(b) The harvesting capacity of Mexican vessels for such species; and

(c) The surplus of such specified species, as well as the allocation that will be made available to vessels of the United States.

2. The Government of Mexico shall, not later than the beginning of the annual consultations provided for in Article XIX, notify the Government of the United States of America of the above determinations.

3. Notwithstanding the above, the provisions of Article XVIII of this Agreement shall apply to highly migratory species.

#### *Article IV*

In order to secure access to the surplus for a particular species, as determined by the Government of Mexico in accordance with Article III, fishing vessels of the United States shall obtain permits from the competent Mexican authorities, in accordance with the procedures set forth in the Annex and shall respect the conservation measures and such other measures relating to the management of living resources as may be established by Mexico in order to regulate such access. The terms of such permits shall not be amended nor the permits cancelled while they are in force except as provided by Article III.

#### *Article V*

The permits granted by the Government of Mexico in accordance with Articles II, III and IV shall be subject to the payment of reasonable fees and charges as set forth in the Annex. Such fees and charges shall be fixed pursuant to applicable Mexican law. They shall be paid in the manner set forth in the Annex.

*Article VI*

The permits that will be issued by the Government of Mexico to vessels of the United States fishing under this Agreement shall contain the conditions and restrictions applicable to that vessel's fishing operations and shall be prominently displayed in the wheelhouse of each vessel together with the National Fishery Registration Form. These permits shall also specify the name, registration number, and owner of the vessel, the area or areas in which fishing may take place, the species for which a directed fishery may be conducted, the dates during which fishing activity will take place, and the fishing gear the vessel may utilize. In establishing such terms and conditions, the Government of Mexico will take into account past fishing practices of the fishing vessels concerned, as well as measures required to achieve its conservation and management objectives.

*Article VII*

1. The Government of the United States of America shall take all appropriate measures, to the extent permissible under its national laws, to ensure that the United States fishing vessels that have valid permits to fish comply with this Agreement and applicable Mexican law.

2. In particular, the authorized Mexican officials shall have the right to stop, board and inspect any fishing vessel of the United States of America that is fishing in the Zone when there is reason to believe that it is not complying with the requirements that have been established for its fishing activity by the Government of Mexico as provided by this Agreement.

3. In cases of seizure and arrest of a vessel of the United States of America, notification shall be given promptly through diplomatic channels, informing the Government of the United States of America of the action taken and of any penalties subsequently imposed.

*Article VIII*

1. The Government of Mexico may impose penalties, as provided by Mexican law, on those fishing vessels of the United States of America that violate this Agreement.

2. Arrested vessels and their crews shall be promptly released upon the posting of bond or other security reasonably related to the penalty.

3. Penalties for violations of fisheries regulations applicable to fishing by vessels of the United States of America in the Zone shall not include imprisonment or any other form of corporal punishment.

4. In the annual consultation provided for in Article XIX, the Government of Mexico will take into account any substantial violations by fishing vessels of the United States of America that may have occurred the previous years.

*Article IX*

The Government of the United States of America will provide to the Government of Mexico statistical data on the actual harvest under permits issued by Mexico under this Agreement by vessels of the United States, as specified in the Annex.

*Article X*

Noting that fishing vessels of the United States of America operating off the coast of Mexico will not be fishing with long line gear and with respect to species other than those dealt with by Article XVIII, the Government of Mexico may establish general restrictions relating to:

- (a) Specified areas within the Zone in which no fishing activity may take place;
- (b) Species for which a directed fishery may be prohibited;
- (c) Prohibited fishing gear;
- (d) Prohibited types of fishing vessels;
- (e) Other necessary restrictions to protect the living resources from over-exploitation and to reserve certain species for recreational fishing.

*Article XI*

The Government of the United States of America and the Government of Mexico shall consult at least annually with a view to co-ordinating their respective national management programmes and exchanging relevant information and data, in order to promote the effective conservation and optimum utilization of stocks that occur within the zones, and are harvested by their fishermen, off their respective coasts.

*Article XII*

The Government of the United States of America and the Government of Mexico shall promote and encourage continued sport and recreational fishing for living resources off their respective coasts. The two Governments shall consult as needed to facilitate the achievement of this objective.

*Article XIII*

The Government of Mexico reserves the right to place on board licensed fishing vessels of the United States observers of Mexican nationality as may be agreed by the two Governments.

*Article XIV*

The Government of the United States of America and the Government of Mexico will continue to promote bilateral co-operation in fisheries research of mutual interest at the level of technical institutions, in the field of exchange of technical information and personnel, and the expansion of markets for fish and fish products that originate in the Zone. Likewise, they will promote co-operation in scientific research that will contribute to the effective conservation and optimum utilization of living resources of mutual interest.

*Article XV*

Should the Government of Mexico indicate to the Government of the United States of America that its nationals and vessels wish to engage in fishing for living resources over which the United States of America exercises fisheries management authority, the Government of the United States of America will allow such fishing on the basis of principles and procedures similar to those provided for in this Agreement.

*Article XVI*

1. The Government of Mexico recognizing the special status of stocks of cetaceans and other marine mammals will continue to prohibit a directed fishery for, and reduce incidental catches of, any marine mammal within the Zone in accordance with its laws. The two Governments will continue to co-operate in the pursuit of this objective with respect to all marine mammals, including in the deliberations of appropriate international organizations. The Government of the United States of America will take appropriate measures to that end with respect to its nationals and vessels.

2. The two Governments will co-operate in taking all necessary measures to protect endangered species within their respective Zones.

*Article XVII*

The provisions of this Agreement shall not affect the implementation of separate arrangements regarding fishing by certain vessels of the United States of America within 12 miles off the coast of Mexico, as set forth in the Annex.

*Article XVIII*

Without prejudice as to the legal principles applicable to highly migratory species or to the respective positions of the Government of the United States of America and the Government of Mexico regarding this question; taking into account the deliberations in the Third United Nations Conference on the Law of the Sea and that both States are parties to the Convention for the establishment of an Inter-American Tropical Tuna Commission; mindful that the Government of Mexico has announced its intention to call for a regional conference to renegotiate existing arrangements in order to establish a new régime consistent with the new institutions, principles and rules that are emerging from the United Nations Conference on the Law of the Sea, and that the United States of America has announced its intention to participate in such a Conference; and with due regard for the respective laws of the two countries on this question.

The Government of the United States of America agrees to provide to the Government of Mexico the names of vessels of the United States of America which intend to fish highly migratory species in the Zone under the present régime of the Inter-American Tropical Tuna Commission, and the Government of the United States of America further will transmit, on behalf of those vessels, to the Government of Mexico the fee set forth in the Annex for each vessel for the issuance of a certificate by the Government of Mexico, which will indicate to Mexican enforcement authorities the status of those vessels in the Zone.

*Article XIX*

The Government of the United States of America and the Government of Mexico shall hold annual consultations during April of each year on the application and implementation of this Agreement, the precise dates and places for such consultations to be fixed by mutual agreement through diplomatic channels. The two Governments shall review the operation of the Agreement and may, in further implementation of its purposes, revise, if necessary, the Annex and its appendices, which are an integral part hereto.

If between annual consultations the Government of the United States of America wishes to apply, on behalf of its national, for other species, it shall address a formal request to the Government of Mexico in accordance with Articles II, III, IV and V and the procedures in the Annex.

*Article XX*

1. The present Agreement does not affect other bilateral agreements in force between the two Governments nor does it prejudice the position that either Government maintains with respect to the law of the sea of the Third United Nations Conference on the Law of the Sea.

2. Nothing in the present Agreement shall affect the exercise of freedom of navigation by United States fishing vessels in the Zone.

*Article XXI*

1. Representatives of the two Governments shall meet to review the terms of this Agreement during the fourth year of its operation, at a date and place to be mutually agreed.

2. This Agreement, including its Annex and Appendices, shall enter into force upon signature and shall remain in force until terminated by either Party upon formal notice given one year prior to the date upon which such termination shall take effect.

**9. AGREEMENT BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES, DONE AT WASHINGTON, 16 FEBRUARY 1977<sup>1</sup>**

The Government of Spain and the Government of the United States of America,

Considering their common concern for the rational management, conservation and optimum utilization of fish stocks off the coasts of the United States;

Acknowledging the fishery management authority of the United States as set forth in the Fishery Conservation and Management Act of 1976;

<sup>1</sup> Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version of the Agreement, which was registered with the Secretariat of the United Nations on 28 June 1977 by the Government of Spain.



Having regard for the discussions of the Third United Nations Conference on the Law of the Sea regarding coastal state rights over fisheries off its coasts; and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States exercises fishery management authority;

Have agreed as follows:

#### *Article I*

The purpose of this Agreement is to ensure effective conservation, optimum utilization and rational management of the fisheries of mutual interest off the coasts of the United States and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and vessels under the jurisdiction of Spain for the living resources over which the United States exercises fishery management authority as provided by United States law.

#### *Article II*

As used in this Agreement, the term

1. "living resources over which the United States exercises fishery management authority" means all fish within the fishery conservation zone of the United States except highly migratory species; all anadromous species of fish that spawn in the fresh or estuarine waters of the United States and migrate to ocean waters; and all living resources of the continental shelf appertaining to the United States;

2. "fish" means all finfish, molluscs, crustaceans, and other forms of marine animal and plant life, other than marine mammals, birds and highly migratory species;

3. "fishery" means

(a) One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and

(b) Any fishing for such stocks;

4. "fishery conservation zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "fishing" means

(a) the catching, taking or harvesting of fish;

(b) the attempted catching, taking or harvesting of fish;

(c) any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish; or

(d) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (a) through (c) above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity conducted by a scientific research vessel;

6. "fishing vessel" means any vessel, boat, ship or other craft that is used for, equipped to be used for, or of a type that is normally used for

(a) fishing; or

(b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing;

7. "highly migratory species" means species of tuna which in the course of their life cycle, spawn and migrate over great distances in waters of the ocean; and

8. "marine mammals" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears.

### Article III

1. The Government of the United States is willing to allow access for fishing vessels of Spain to harvest, in accordance with terms and conditions to be established in permits issued under Article VI, an allocation of that portion of the allowable catch for a specific fishery that will not be harvested by United States fishing vessels.

2. The Government of the United States shall determine each year, subject to such adjustments as may be necessitated by unforeseen circumstances affecting the stocks,

(a) the total allowable catch for each fishery on the basis of the best available scientific evidence, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;

(b) the harvesting capacity of United States fishing vessels in respect of each fishery;

(c) the portion of the total allowable catch for a specific fishery that, on an annual basis, will not be harvested by United States fishing vessels; and

(d) the allocation of such portion that can be made available to qualifying fishing vessels of Spain.

3. In implementation of paragraph 2 (d) of this Article, the United States shall determine each year the measures necessary to prevent over-fishing while achieving, on a continuing basis, the optimum yield from each fishery. Such measures may include, *inter alia*:

(a) designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(b) limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;

(c) limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel or the total fleet may engage in fishing in a designated area within the fishery conservation zone or for a specified fishery;

(d) requirements as to the types of gear that may, or may not, be employed; and

(e) requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The Government of the United States shall notify the Government of Spain of the determinations provided for by this Article on a timely basis.

#### *Article IV*

In determining the portion of the surplus that may be made available to vessels of Spain, the Government of the United States will promote the objective of optimum utilization, taking into account, *inter alia*, traditional fishing by Spain, contributions to fishery research and the identification of stocks, previous co-operation in enforcement, previous co-operation with respect to conservation and management of fishery resources of mutual concern, the need to minimize social and economic dislocation in cases where vessels have habitually fished for living resources over which the United States now exercises fishery management authority, and other matters deemed appropriate.

#### *Article V*

The Government of Spain shall take all necessary measures to ensure:

1. that nationals and vessels under the jurisdiction of Spain refrain from fishing for living resources over which the United States exercises fisheries management authority except as authorized pursuant to this Agreement;

2. that all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and

3. that the total allocation referred to in Article III, paragraph 2 (d) of this Agreement is not exceeded for any fishery.

#### *Article VI*

The Government of Spain may submit an application to the Government of the United States for a permit for each Spanish fishing vessel that wishes to engage in fishing in the fishery conservation zone pursuant to this Agreement. Such application shall be prepared and processed in accordance

with Annex I to this Agreement, which shall constitute an integral part hereof. The Government of the United States may require the payment of reasonable fees for such permits.

*Article VII*

The Government of Spain shall ensure that nationals and vessels under the jurisdiction of Spain refrain from harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the United States fishery conservation zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the Government of the United States.

*Article VIII*

The Government of Spain shall ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each Spanish vessel is prominently displayed in the wheelhouse of such vessel;
2. appropriate position-fixing and identification equipment, as determined by the Government of the United States is installed and maintained in working order on each such vessel;
3. designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the equivalent rank of ship's officer while aboard such vessel, and, further, the Government of the United States shall be reimbursed for the costs incurred in the utilization of observers;
4. agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to a vessel owner or operator for any cause arising out of the conduct of fishing activities under this Agreement; and
5. all necessary measures are taken to ensure the prompt and adequate compensation of United States citizens for any loss of, or damage to their fishing vessels, fishing gear or catch that is proximately caused by any fishing vessel of Spain as determined by applicable United States procedures.

*Article IX*

In order to facilitate the prompt and adequate compensation of the citizens of one country for any loss of, or damage to, their fishing vessels, fishing gear or catch caused by any fishing vessel of the other country, both Governments agree to the establishment of the Spanish-American Fisheries Board set forth in Annex II of this Agreement, which constitutes an integral part of this Agreement.

*Article X*

The Government of Spain shall take such measures as may be necessary to ensure that each Spanish vessel authorized to fish pursuant to this

Agreement shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement official of the United States, and shall co-operate in such enforcement action as may be undertaken pursuant to the laws of the United States.

#### *Article XI*

1. In cases of seizure and arrest of a vessel of Spain by the authorities of the Government of the United States, notification shall be given promptly through diplomatic channels informing the Government of Spain of the action taken and of any penalties subsequently imposed.

2. The Government of the United States will impose appropriate penalties, in accordance with the laws of the United States, on Spanish vessels, or their owners or operators, that violate the requirements of this Agreement or of any permit issued hereunder.

3. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

#### *Article XII*

The Government of Spain undertakes to co-operate to the extent possible with the Government of the United States in the conduct of scientific research required for the purpose of managing and conserving living resources subject to the fishery management authority of the United States, including the compilation of best available scientific information for the management and conservation of stocks of mutual concern. The competent agencies of the two Governments shall enter into such arrangements as may be necessary to facilitate such co-operation, including the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and the implementation and maintenance of a standardized system for the collection and archiving of relevant statistical and biological information in accordance with the procedures in Annex III, which constitutes an integral part of this Agreement.

#### *Article XIII*

The Government of Spain and the Government of the United States shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further co-operation in the field of fisheries of mutual concern, including the establishment of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

#### *Article XIV*

The Government of the United States undertakes to authorize Spanish fishing vessels allowed to fish pursuant to this Agreement to enter United States ports in accordance with United States laws, for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, or for such other purposes as may be authorized.

*Article XV*

Should the Government of the United States indicate to the Government of Spain that nationals and vessels under its jurisdiction wish to engage in fishing in the fishery conservation zone of Spain or its equivalent, the Government of Spain will allow such fishing on the basis of reciprocity and on terms not more restrictive than those established in accordance with this Agreement.

*Article XVI*

Nothing contained in the present Agreement shall affect or prejudice in any manner the positions of either Government with respect to the extent of internal waters, of the territorial sea, of the high seas, or of coastal state jurisdiction or authority for any purpose other than the conservation and management of fisheries as provided for in this Agreement.

*Article XVII*

1. This Agreement shall enter into force on a date to be mutually agreed by an exchange of notes, upon the completion of the internal procedures of both Parties, and shall remain in force until 1 July 1982, unless extended by an exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement at any time after giving notice of such termination one year in advance. Should any such notice be given, both Parties shall meet to consider the possibility of entering into a substitute Agreement.

2. This Agreement shall be subject to review by the two Governments two years after its entry into force, upon the conclusion of a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea or at any time that the two Parties agree such a review would be in their mutual interest.

**Division III**  
**THE CONTINENTAL SHELF**

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**Subdivision A. Multilateral treaties**

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[AGREEMENT BETWEEN SRI LANKA, INDIA AND MALDIVES  
CONCERNING THE DETERMINATION OF THE TRIJUNCTION  
POINT BETWEEN THE THREE COUNTRIES IN THE GULF OF  
MANNAR, SIGNED AT COLOMBO ON 23 AND 24 JULY 1976  
AND AT MALE ON 31 JULY 1976]<sup>1</sup>

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<sup>1</sup> *Supra*, division II, subdivision A, 1.





## Subdivision B. Bilateral treaties

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1. i) CONVENTION ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DE L'ETAT ESPAGNOL SUR LA DELIMITATION DES PLATEAUX CONTINENTAUX DES DEUX ETATS DANS LE GOLFE DE GASCOGNE (GOLFE DE BISCAYE), SIGNEE A PARIS LE 29 JANVIER 1974<sup>1</sup>

Le Gouvernement de la République française et

Le Gouvernement de l'Etat espagnol,

Prenant en considération la Convention sur le plateau continental, faite à Genève le 29 avril 1958,

Ayant décidé d'établir la ligne séparative entre les parties du plateau continental du golfe de Gascogne sur lesquelles les deux Etats exercent respectivement des droits souverains aux fins de leur exploration et de l'exploitation de leurs ressources naturelles,

Sont convenus des dispositions suivantes :

### *Article premier*

La présente Convention s'applique dans le golfe de Gascogne depuis la limite de 12 milles, à partir des lignes de base françaises et espagnoles jusqu'à une ligne joignant le cap Ortegale, en Espagne, à la pointe du Raz, en France.

### *Article 2*

1. La ligne séparative entre les plateaux continentaux des deux Etats est la ligne qui joint les points Q, R et T :

a) Le point Q est celui qui est défini à l'alinéa b du paragraphe 1 de l'article 2 de la Convention du 29 janvier 1974 entre la France et l'Espagne sur la délimitation de la mer territoriale et de la zone contiguë dans le golfe de Gascogne (golfe de Biscaye).

Les coordonnées du point Q, selon les relevés les plus récents, sont les suivantes :

Latitude N. : 43° 35' 43".

Longitude O. (GR) : 1° 48' 08".

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<sup>1</sup> Texte espagnol transmis par le représentant permanent de l'Espagne auprès de l'Organisation des Nations Unies dans une note en date du 17 juin 1977. Le texte reproduit est le texte français authentique de la Convention, qui a été enregistrée au Secrétariat de l'Organisation des Nations Unies par le Gouvernement français le 19 février 1976.

b) Jusqu'au point R défini ci-après, la ligne Q R est, en principe, la ligne dont tous les points sont équidistants des lignes de base françaises et espagnoles. En application de ce qui précède, la ligne Q R est composée par les lignes géodésiques qui suivent les arcs de grand cercle joignant les points dont les coordonnées sont les suivantes :

	<i>Latitude N.</i>	<i>Longitude O. (GR)</i>
Q 1 .....	43° 39' 40"	1° 51' 30"
Q 2 .....	43° 43' 45"	1° 55' 30"
Q 3 .....	43° 48' 00"	1° 55' 30"
Q 4 .....	43° 54' 25"	2° 11' 25"
Q 5 .....	44° 00' 00"	2° 16' 00"
Q 6 .....	44° 06' 30"	2° 20' 30"
Q 7 .....	44° 13' 00"	2° 25' 30"
Q 8 .....	44° 19' 10"	2° 31' 00"
Q 9 .....	44° 24' 40"	2° 36' 19"
Q 10 .....	44° 30' 00"	2° 42' 30"
Q 11 .....	44° 35' 45"	2° 50' 27"
Q 12 .....	44° 39' 50"	2° 57' 00"
Q 13 .....	44° 45' 25"	3° 03' 50"
R .....	44° 52' 00"	3° 10' 20"

c) Le point T est défini par les coordonnées suivantes :

Latitude N. : 45° 28' 30";

Longitude O. (GR) : 6° 41' 14".

La ligne R T est la ligne géodésique qui suit l'arc de grand cercle joignant les points R et T.

2. La ligne séparative est tracée, conformément aux critères et données figurant ci-dessus, sur la carte marine française n° 5381, mise à jour en 1972, annexée à la présente Convention (annexe I)<sup>1</sup>.

### *Article 3*

1. Les Parties contractantes conviennent d'appliquer les procédures complémentaires prévues à l'annexe II pour l'attribution des titres d'exploitation et d'exploitation des ressources naturelles dans la zone définie par les lignes géodésiques joignant les points dont les coordonnées sont les suivantes :

	<i>Latitude N.</i>	<i>Longitude O. (GR)</i>
Z1 .....	45° 30' 00"	5° 40' 00"
Z2 .....	45° 30' 00"	5° 00' 00"
Z3 .....	45° 00' 30"	5° 00' 00"
Z4 .....	45° 00' 30"	

<sup>1</sup> La carte n'est pas reproduite.

2. Les limites de cette zone sont tracées sur la carte marine dont il est fait mention au paragraphe 2 de l'article 2 de la présente Convention.

#### *Article 4*

1. Si un gisement de ressources naturelles est partagé par la ligne séparative des plateaux continentaux et si la part du gisement situé d'un des côtés de la ligne séparative est exploitable, en tout ou en partie, à partir d'installations situées de l'autre côté de celle-ci, les Parties contractantes cherchent, en liaison avec les titulaires de titres d'exploitation, s'il y en a, à se mettre d'accord sur les conditions de mise en exploitation du gisement, afin que cette exploitation soit la plus rentable possible et de telle sorte que chacune des Parties conserve l'ensemble de ses droits sur les ressources naturelles de son plateau continental. En particulier, cette procédure est applicable si la méthode d'exploitation de la part du gisement située d'un des côtés de la ligne séparative affecte les conditions d'exploitation de l'autre part du gisement.

2. Dans le cas où les ressources naturelles d'un gisement situé de part et d'autre de la ligne séparative des plateaux continentaux auraient déjà été exploitées, les Parties contractantes chercheraient, en liaison avec les titulaires des titres d'exploitation, s'il y en a, à se mettre d'accord sur une indemnisation appropriée.

#### *Article 5*

1. Les Parties contractantes s'efforcent de régler dans les meilleurs délais, par la voie diplomatique, tout différend qui pourrait survenir quant à l'interprétation ou à l'application de la présente Convention.

2. Au cas où le différend ne serait pas réglé dans les quatre mois après que l'une des Parties contractantes eut fait connaître ses intentions d'engager la procédure prévue au paragraphe précédent, il serait soumis à un tribunal arbitral à la requête de l'une des Parties contractantes.

3. Le tribunal arbitral est composé dans chaque cas de la façon suivante : chacune des Parties nomme un arbitre et les deux arbitres désignent d'un commun accord un troisième arbitre qui n'est ressortissant d'aucune des deux Parties : ce troisième arbitre préside le tribunal arbitral. Si les arbitres n'ont pas été désignés dans un délai de deux mois après que l'un des Etats contractants eut fait connaître son intention de saisir le tribunal ou si les arbitres nommés par les deux Parties ne se sont pas mis d'accord, dans un délai d'un mois à partir de la nomination du dernier d'entre eux, sur la désignation du troisième arbitre, chaque Partie peut demander au Président de la Cour internationale de justice de procéder aux nominations nécessaires. Si le président de la Cour est un ressortissant de l'une des deux Parties ou s'il est empêché pour quelque motif que ce soit, ces nominations sont faites par le vice-président. Si le vice-président est également un ressortissant de l'une des deux Parties ou s'il est empêché pour quelque motif que ce soit, c'est le juge de la Cour le plus ancien, qui n'est ressortissant d'aucune des deux Parties, qui procède aux nominations.

4. Chaque Partie contractante supporte les frais de son arbitre et la moitié de tous les autres frais. Le tribunal arbitral établit ses règles de procédure, si les Parties ne les ont pas déterminées dans un délai de deux mois à partir de la désignation du dernier arbitre.

5. Le tribunal arbitral prend ses décisions à la majorité des voix. Ces décisions lient les parties.

6. Le tribunal arbitral peut, à la demande de l'une des parties, décider de mesures conservatoires.

#### *Article 6*

Aucune des dispositions de la présente Convention n'affecte le régime des eaux et de l'espace aérien surjacentes.

#### *Article 7*

Les Parties contractantes s'efforcent d'éviter que l'exploration du plateau continental du golfe de Gascogne et l'exploitation de ses ressources naturelles ne portent atteinte à l'équilibre écologique et aux utilisations légitimes du milieu marin et se consultent à cet effet.

#### *Article 8*

Au cas où entrerait en vigueur entre les Parties contractantes un traité multilatéral qui modifierait la Convention sur le plateau continental faite à Genève le 29 avril 1958 et qui serait susceptible d'affecter les dispositions de la présente Convention, les Parties contractantes se consulteraient aussitôt en vue de convenir des modifications aux dispositions de la présente Convention qui pourraient apparaître nécessaires.

#### *Article 9*

Chacune des Parties contractantes notifie à l'autre l'accomplissement des procédures constitutionnelles nécessaires pour l'entrée en vigueur de la présente Convention. Celle-ci entre en vigueur à la date de la dernière notification.

### ANNEXE II

#### *Dispositions applicables à la zone définie à l'article 3 de la présente Convention*

1. Les Parties contractantes favorisent l'exploitation de la zone tendant à un partage égal de ses ressources.

2. Conformément à ce principe, chacune des Parties contractantes dans le cadre de sa réglementation minière s'engage à encourager des accords entre sociétés candidates à l'exploration de la zone afin de permettre à des sociétés ayant la nationalité de l'autre Partie de participer à cette exploration sur la base d'une association à parts égales et d'un financement des travaux proportionnel aux intérêts.

3. A cet effet, toute demande de titre d'exploration dans le secteur de l'une des Parties contractantes doit être notifiée à l'autre Partie. Celle-ci dispose d'un délai de six mois pour désigner une ou plusieurs sociétés de sa nationalité pour qu'elles participent à la procédure d'attribution des titres avec les autres candidats.

4. Si, dans un délai d'un an après leur désignation, les sociétés pétitionnaires ne sont pas parvenues à un accord, la Partie contractante ayant juridiction sur le secteur en cause consulte l'autre Partie contractante avant toute décision d'attribution de titres.

5. Les sociétés titulaires de titres d'exploration et d'exploitation et liées par des accords d'association sur la zone doivent notifier aux Parties toute modification qu'elles pourraient éventuellement apporter à ces accords. Dans ce cas et à la demande de l'une d'entre elles, les Parties entreraient en consultation en vue d'examiner la portée de cette modification et ses effets sur l'objectif mentionné au paragraphe 1 de la présente annexe.

6. Tout projet de modification des titres délivrés par l'une des Parties contractantes pour l'exploration et l'exploitation de son secteur de la zone est notifié à l'autre Partie contractante qui dispose d'un délai de trois mois pour présenter, le cas échéant, ses observations et propositions. En cas de désaccord sur la modification envisagée, les Parties peuvent recourir aux procédures visées à l'article 5 de la présente Convention.

7. Les Parties contractantes s'accordent sur les procédures appropriées destinées à favoriser la conclusion des accords d'association prévus au paragraphe 2 ci-dessus ainsi que sur les procédures relatives au régime d'exportation vers l'une des Parties des produits de l'exploitation obtenus dans le secteur de l'autre Partie par la ou les sociétés désignées par la première Partie.

## ii) ECHANGE DE LETTRES

### I

Paris, le 29 janvier 1974

A Son Excellence Monsieur Antonio POCH,  
*ministre plénipotentiaire,*  
*Président de la délégation espagnole*  
*à la négociation sur la délimitation des plateaux*  
*continentaux espagnol et français,*  
*Madrid*

Monsieur le Président,

L'article 2, *b*, de la Convention signée ce jour entre le Gouvernement de l'Etat espagnol et le Gouvernement de la République française sur la délimitation des plateaux continentaux des deux Etats dans le golfe de Gascogne (golfe de Biscaye) stipule que "la ligne Q R est, en principe, la ligne dont tous les points sont équidistants des lignes de base espagnoles et françaises". C'est en application de ce principe que le même article de la Convention précise les coordonnées d'un certain nombre de points situées, sur cette ligne d'équidistance, entre les points Q et R.

Nous avons reconnu, au cours de nos négociations, que les données et les techniques tant géodésiques que cartographiques qui ont été utilisées pour préciser les points indiqués à l'article 2, *b*, de la Convention pourraient à l'avenir être améliorées. Nous sommes convenus néanmoins que, même dans cette hypothèse, et sous réserve d'un accord ultérieur entre les Parties, sur une solution différente, la ligne séparative des plateaux continentaux espagnol

et français entre les points Q et R resterait déterminée par les lignes géodésiques qui suivent les arcs de grand cercle joignant les points dont les coordonnées ont été précisées dans la Convention.

Si ce qui précède rencontre votre agrément, je propose que cette lettre et votre réponse constituent un Accord entre nos deux Gouvernements sur l'interprétation de l'article 2, *b*, de la Convention, Accord qui prendra effet à la date de votre réponse.

Veillez agréer, Monsieur le Président, les assurances de ma considération très distinguée.

J. P. CABOUAT  
*Ministre plénipotentiaire,  
 Président de la délégation française  
 à la négociation sur la délimitation  
 des plateaux continentaux français et espagnol*

## II

Paris, le 29 janvier 1974

A Monsieur J. P. CABOUAT,  
*président de la délégation française  
 au cours de la négociation  
 relative à la délimitation  
 des plateaux continentaux  
 de la France et de l'Espagne,  
 Ministère des affaires étrangères,  
 Paris*

Monsieur le Président,

J'ai l'honneur d'accuser réception de votre lettre en date de ce jour dont la traduction est la suivante :

[Voir lettre I.]

J'ai l'honneur de vous faire part de l'accord du Gouvernement espagnol sur ce qui précède.

Veillez agréer, Monsieur le Président, l'assurance de ma très haute considération.

Antonio POCH Y GUTIÉRREZ DE CAVIEDES,  
 Président de la délégation espagnole

## 2. AGREEMENT CONCERNING DELIMITATION OF THE CONTINENTAL SHELF BETWEEN IRAN AND OMAN, DONE AT TEHERAN ON 25 JULY 1974<sup>1</sup>

The Government of the Sultanate of Oman  
 and

<sup>1</sup>Text provided by the Permanent Representative of Oman to the United Nations in a note verbale of 17 May 1977.

### The Imperial Government of Iran

Desirous of establishing in a just, equitable and precise manner the boundary line between the respective areas of the continental shelf over which they have sovereign rights in accordance with international law, and after having exchanged credentials, found in good and due form, have agreed as follows:

#### *Article 1*

The line dividing the continental shelf lying between the territory of Iran on the one side and the territory of Oman on the other side shall consist of geodetic lines between the following points in the sequence hereinafter set out:

Point (1) is the most western point which is the intersection of the geodetic line drawn between point (0) having the co-ordinates of 55° 42' 15" E 26° 14' 45" N and point (2) having the co-ordinates of 55° 47' 45" E 26° 16' 35" N with the lateral offshore boundary line between Oman and Ras Al-Khaimah.

Point (2) .....	55	47	45	26	16	35	
Point (3) .....	55	52	15	26	18	50	
Point (4) .....	56	06	45	26	28	40	
Point (5) .....	56	08	35	26	31	05	
Point (6) .....	56	10	25	26	32	50	
Point (7) .....	56	14	30	26	35	25	
Point (8) .....	56	16	30	26	35	35	
Point (9) .....	56	19	40	26	37	00	W. Intersection of larac 12 m.
Point (10) .....	56	33	00	26	42	15	E. Intersection of larac 12 m.
Point (11) .....	56	41	00	26	44	15	
Point (12) .....	56	44	00	26	41	35	
Point (13) .....	56	45	15	26	39	40	
Point (14) .....	56	47	45	26	35	15	
Point (15) .....	56	47	30	26	25	15	
Point (16) .....	56	48	05	26	22	00	
Point (17) .....	56	47	50	26	16	30	
Point (18) .....	56	48	00	26	11	35	
Point (19) .....	56	50	15	26	03	05	
Point (20) .....	56	49	50	25	58	05	
Point (21) .....	56	51	30	25	45	20	

Point (22) is the most southern point located at the intersection of the geodetic demarcation line drawn from point (21) (specified above at an azimuth angle of 190° 00' 00" and of the lateral offshore boundary line between Oman and Sharjah.

#### *Article 2*

If any single geological petroleum structure or petroleum field, or any single geological structure or field of any other mineral extends across

the boundary line set out in article 1 of this agreement and the part of such structure or field which is situated on one side of that boundary line could be exploited wholly or in part by directional drilling from the other side of the boundary line then:

(a) No well shall be drilled on either side of the boundary line as set out in article 1 so that any producing section thereof is less than 125 metres from the said boundary line except by mutual agreement between the two contracting parties.

(b) If the circumstances considered in this article shall arise both parties hereto shall use their best endeavours to reach agreement as to the manner in which the operations on both sides of the boundary line could be co-ordinated or unitized.

#### *Article 3*

The boundary line referred to in article 1 herein has been illustrated on the British Admiralty Chart No. 2888, 1962 edition with small corrections through 1974, and with the ellipsoid used in said chart, which is annexed to this agreement.

The said Chart has been made in duplicate and signed by the representatives of both parties each of whom has retained one copy thereof.

#### *Article 4*

Nothing in this agreement shall affect the status of the superjacent waters or airspace above any part of the Continental Shelf.

#### *Article 5*

(a) This agreement shall be ratified and the instruments of ratification shall be exchanged at Muscat, Sultanate of Oman.

(b) This agreement shall enter into force on the date of the exchange of instruments of ratification.

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

DONE in duplicate at Tehran the 25th day of July 1974, corresponding to the 3rd day of Mardad 1353 corresponding to the 5th day of Rajab 1394, in Arabic, Persian and English languages, all texts being equally authoritative.

3. [AGREEMENT ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND MARITIME CO-OPERATION BETWEEN THE REPUBLICS OF ECUADOR AND COLOMBIA, SIGNED AT QUITO ON 23 AUGUST 1975]<sup>1</sup>

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<sup>1</sup> *Supra*, division I, subdivision B, 3.



4. [ACCORD ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE ET LE GOUVERNEMENT DE L'ETAT ESPAGNOL EN MATIERE DE COOPERATION OCEANOLOGIQUE, SIGNE A MADRID LE 11 DECEMBRE 1975]<sup>1</sup>
  
5. (i) [AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR AND THE BAY OF BENGAL AND RELATED MATTERS, SIGNED AT NEW DELHI ON 23 MARCH 1976]<sup>2</sup>  
  
(ii) [EXCHANGE OF LETTERS]<sup>3</sup>
  
6. [SUPPLEMENTARY AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE EXTENSION OF THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR FROM POSITION 13 M TO THE TRIJUNCTION POINT BETWEEN SRI LANKA, INDIA AND MALDIVES (POINT T), SIGNED AT COLOMBO ON 22 NOVEMBER 1976]<sup>4</sup>

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<sup>1</sup> *Ibid.*, 4.

<sup>2</sup> *Ibid.*, 5.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, 8.



**Division IV**  
**THE HIGH SEAS**

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**Multilateral treaties**

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1. TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEA-BED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF, DONE AT LONDON, MOSCOW AND WASHINGTON, 11 FEBRUARY 1971<sup>1</sup>

*The States Parties to this Treaty,*

*Recognizing* the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes,

*Considering* that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

*Convinced* that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race,

*Convinced* that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

*Convinced* that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

*Article I*

1. The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limit of a sea-bed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

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<sup>1</sup> Entered into force on 18 May 1972. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

2. The undertakings of paragraph 1 of this article shall also apply to the sea-bed zone referred to in the same paragraph, except that within such sea-bed zone they shall not apply either to the coastal State or to the sea-bed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

#### *Article II*

For the purpose of this Treaty, the outer limit of the sea-bed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

#### *Article III*

1. In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall co-operate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and co-operation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and co-operate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State

Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to co-operate.

4. If consultation and co-operation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

#### *Article IV*

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, *inter alia*, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

#### *Article V*

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

#### *Article VI*

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

#### *Article VII*

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such

review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

*Article VIII*

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject-matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

*Article IX*

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

*Article X*

1. This Treaty shall be open for signature to all states. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

*Article XI*

This Treaty, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments of the States signatory and acceding thereto.

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

DONE in triplicate, at the cities of London, Moscow and Washington, this eleventh day of February, one thousand nine hundred and seventy-one.

2. (a) CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION, DONE AT BARCELONA ON 16 FEBRUARY 1976<sup>1</sup>

*The Contracting Parties,*

*Conscious* of the economic, social, health and cultural value of the marine environment of the Mediterranean Sea Area,

*Fully aware* of their responsibility to preserve this common heritage for the benefit and enjoyment of present and future generations,

*Recognizing* the threat posed by pollution to the marine environment, its ecological equilibrium, resources and legitimate uses,

*Mindful* of the special hydrographic and ecological characteristics of the Mediterranean Sea Area and its particular vulnerability to pollution,

*Noting* that existing international conventions on the subject do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the Mediterranean Sea Area,

*Realizing* fully the need for close co-operation among the States and international organizations concerned in a co-ordinated and comprehensive regional approach for the protection and enhancement of the marine environment in the Mediterranean Sea Area,

*Have agreed as follows:*

*Article 1. Geographical coverage*

1. For the purposes of this Convention, the Mediterranean Sea Area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the East by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses.

2. Except as may be otherwise provided in any protocol to this Convention the Mediterranean Sea Area shall not include internal waters of the Contracting Parties.

<sup>1</sup> Entered into force on 12 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version (UNEP/GC/61/Add.3).

## *Article 2. Definitions*

For the purposes of this Convention:

(a) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water and reduction of amenities.

(b) "Organizations" means the body designated as responsible for carrying out secretariat functions pursuant to article 13 of this Convention.

## *Article 3. General provisions*

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Mediterranean Sea against pollution, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements between Contracting Parties to this Convention shall be communicated to the Organization.

2. Nothing in this Convention shall prejudice the codification and development of the Law of the Sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

## *Article 4. General undertakings*

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of this Convention and those protocols in force to which they are party, to prevent, abate and combat pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area.

2. The Contracting Parties shall co-operate in the formulation and adoption of protocols, in addition to the protocols opened for signature at the same time as this Convention, prescribing agreed measures, procedures and standards for the implementation of this Convention.

3. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the protection of the marine environment in the Mediterranean Sea Area from all types and sources of pollution.

## *Article 5. Pollution caused by dumping from ships and aircraft*

The Contracting Parties shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft.



*Article 6. Pollution from ships*

The Contracting Parties shall take all measures in conformity with international law to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognized at the international level relating to the control of this type of pollution.

*Article 7. Pollution resulting from exploration and exploitation of the continental shelf and the sea-bed and its subsoil*

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area resulting from exploration and exploitation of the continental shelf and the sea-bed and its subsoil.

*Article 8. Pollution from land-based sources*

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or out-falls, or emanating from any other land-based sources within their territories.

*Article 9. Co-operation in dealing with pollution emergencies*

1. The Contracting Parties shall co-operate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea Area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom.

2. Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea Area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

*Article 10. Monitoring*

1. The Contracting Parties shall endeavour to establish, in close co-operation with the international bodies which they consider competent, complementary or joint programmes including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea Area and shall endeavour to establish a pollution monitoring system for that Area.

2. For this purpose, the Contracting Parties shall designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.

3. The Contracting Parties undertake to co-operate in the formulation, adoption and implementation of such annexes to this Convention as may be required to prescribe common procedures and standards for pollution monitoring.

*Article 11. Scientific and technological co-operation*

1. The Contracting Parties undertake as far as possible to co-operate directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology, and to exchange data as well as other scientific information for the purpose of this Convention.

2. The Contracting Parties undertake as far as possible to develop and co-ordinate their national research programmes relating to all types of marine pollution in the Mediterranean Sea Area and to co-operate in the establishment and implementation of regional and other international research programmes for the purposes of this Convention.

3. The Contracting Parties undertake to co-operate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.

*Article 12. Liability and compensation*

The Contracting Parties undertake to co-operate as soon as possible in the formulation and adoption of appropriate procedures for the determination of liability and compensation for damage resulting from the pollution of the marine environment deriving from violations of the provisions of this Convention and applicable protocols.

*Article 13. Institutional arrangements*

The Contracting Parties designate the United Nations Environment Programme as responsible for carrying out the following secretariat functions:

- (i) To convene and prepare the meetings of Contracting Parties and conferences provided for in articles 14, 15 and 16;
- (ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 9 and 20;
- (iii) To consider inquiries by, and information from, the Contracting Parties, and to consult with them on questions relating to this Convention and the protocols and annexes thereto;
- (iv) To perform the functions assigned to it by the protocols to this Convention;
- (v) To perform such other functions as may be assigned to it by the Contracting Parties;
- (vi) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent, and in particular to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

*Article 14. Meetings of the Contracting Parties*

1. The Contracting Parties shall hold ordinary meetings once every two years, and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by at least two Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and the protocols and, in particular:

- (i) To review generally the inventories carried out by Contracting Parties and competent international organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;
- (ii) To consider reports submitted by the Contracting Parties under article 20;
- (iii) To adopt, review and amend as required the annexes to this Convention and to the protocols, in accordance with the procedure established in article 17;
- (iv) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or the protocols in accordance with the provisions of articles 15 and 16;
- (v) To establish working groups as required to consider any matters related to this Convention and the protocols and annexes;
- (vi) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the protocols.

*Article 15. Adoption of additional protocols*

1. The Contracting Parties, at a diplomatic conference, may adopt additional protocols to this Convention pursuant to paragraph 2 of article 4.

2. A diplomatic conference for the purpose of adopting additional protocols shall be convened by the Organization at the request of two thirds of the Contracting Parties.

3. Pending the entry into force of this Convention the Organization may, after consulting with the signatories to this Convention, convene a diplomatic conference for the purpose of adopting additional protocols.

*Article 16. Amendment of the Convention or Protocols*

1. Any Contracting Party to this Convention may propose amendments to the Convention. Amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties.

2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties to the protocol concerned.

3. Amendments to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the diplomatic conference, and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to such protocol which are represented at the diplomatic conference, and shall be submitted by the Depositary for acceptance by all Contracting Parties to such protocol.

4. Acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 of this article shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be.

5. After the entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to this Convention or such protocol shall become a Contracting Party to the instrument as amended.

*Article 17. Annexes and amendments to annexes*

1. Annexes to this Convention or to any protocol shall form an integral part of the Convention or such protocol, as the case may be.

2. Except as may be otherwise provided in any protocol, the following procedure shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol, with the exception of amendments to the annex on arbitration:

- (i) Any Contracting Party may propose amendments to the annexes to this Convention or to protocols at the meetings referred to in article 14;
- (ii) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question;
- (iii) The Depositary shall without delay communicate the amendments so adopted to all Contracting Parties;
- (iv) Any Contracting Party that is unable to approve an amendment to the annexes to this Convention or to any protocol shall so notify in writing the Depositary within a period determined by the Contracting Parties concerned when adopting the amendment;
- (v) The Depositary shall without delay notify all Contracting Parties of any notification received pursuant to the preceding subparagraph;
- (vi) On expiry of the period referred to in subparagraph (iv) above, the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph.

3. The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force provided that, if any amendment to the Convention or the protocol concerned is involved the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

4. Amendments to the annex on arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in article 16 above.

*Article 18. Rules of procedure and financial rules*

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 14, 15 and 16 above.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

*Article 19. Special exercise of voting right*

Within the areas of their competence, the European Economic Community and any regional economic grouping referred to in article 24 of this Convention shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more protocols; the European Economic Community and any grouping as referred to above shall not exercise their right to vote in cases where the member States concerned exercise theirs, and conversely.

*Article 20. Reports*

The Contracting Parties shall transmit to the Organization reports on the measures adopted in implementation of this Convention and of protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

*Article 21. Compliance control*

The Contracting Parties undertake to co-operate in the development of procedures enabling them to control the application of this Convention and the protocols.

*Article 22. Settlement of disputes*

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or the protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement be submitted to arbitration under the conditions laid down in annex A to this Convention.

3. Nevertheless, the Contracting Parties may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure in conformity with the provisions of annex A. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Parties.

*Article 23. Relationship between the Convention and protocols*

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the protocols. No one may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

3. Decisions concerning any protocol pursuant to articles 14, 16 and 17 of this Convention shall be taken only by the Parties to the protocol concerned.

*Article 24. Signature*

This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to 16 February 1977 by any State invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, held in Barcelona from 2 to 16 February 1976, and by any State entitled to sign any protocol in accordance with the provisions of such protocol. They shall also be open until the same date for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal State of the Mediterranean Sea Area and which exercise competences in fields covered by this Convention, as well as by any protocol affecting them.

*Article 25. Ratification, acceptance or approval*

This Convention and any protocol thereto shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

*Article 26. Accession*

1. As from 17 February 1977, the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in article 24.

2. After the entry into force of the Convention and of any protocol, any State not referred to in article 24 may accede to this Convention and to any protocol subject to prior approval by three fourths of the Contracting Parties to the protocol concerned.

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

*Article 27. Entry into force*

1. This Convention shall enter into force on the same date as the protocol first entering into force.

2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in article 24 if they have complied with the formal requirements for becoming Contracting Parties to any other protocol not yet entered into force.

3. Any protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least six instruments of ratification, acceptance, or approval of, or accession to such protocol by the Parties referred to in article 24.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State, the European Economic Community and any regional economic grouping referred to in article 24 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

*Article 28. Withdrawal*

1. At any time after three years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after three years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal.

3. Withdrawal shall take effect 90 days after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it was a Party.

5. Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

*Article 29. Responsibilities of the Depositary*

1. The Depositary shall inform the Contracting Parties, any other Party referred in article 24, and the Organization:

- (i) Of the signature of this Convention and of any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 24, 25 and 26;
- (ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 27;
- (iii) Of notifications of withdrawal made in accordance with article 28;
- (iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of article 16;
- (v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 17;
- (vi) Of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of article 22.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depository, the Government of Spain, which shall send certified copies thereof to the Contracting Parties, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

(b) **PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION OF THE MEDITERRANEAN SEA BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY, DONE AT BARCELONA ON 16 FEBRUARY 1976<sup>1</sup>**

*The Contracting Parties to the present Protocol,*

*Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,*

*Recognizing that grave pollution of the sea by oil and other harmful substances in the Mediterranean Sea Area involves a danger for the coastal States and the marine eco-system,*

*Considering that the co-operation of all the coastal States of the Mediterranean is called for to combat this pollution,*

<sup>1</sup> Entered into force on 12 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version (UNEP/GC/61/Add.3).



*Bearing in mind* the International Convention for the Prevention of Pollution from Ships, 1973,<sup>1</sup> the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969<sup>2</sup> as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973,<sup>3</sup>

*Further taking into account* the International Convention on Civil Liability for Oil Pollution Damage, 1969,<sup>4</sup>

*Have agreed as follows:*

#### *Article 1*

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall co-operate in taking the necessary measures in cases of grave and imminent danger to the marine environment, the coast or related interests of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea within the area defined in Article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

#### *Article 2*

For the purpose of this Protocol, the term "related interests" means the interests of a coastal State directly affected or threatened and concerning, among others:

- (a) activities in coastal waters, in ports or estuaries, including fishing activities;
- (b) the historical and tourist appeal of the area in question, including water sports and recreation;
- (c) the health of the coastal population;
- (d) the preservation of living resources.

#### *Article 3*

The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their contingency plans and means for combating pollution of the sea by oil and other harmful substances. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

#### *Article 4*

The Parties shall develop and apply, either individually or through bilateral or multilateral co-operation, monitoring activities covering the Mediterranean Sea Area in order to have as precise information as possible on the situations referred to in article 1 of this Protocol.

<sup>1</sup> Reproduced in ST/LEG/SER.B/18, p. 461.

<sup>2</sup> Reproduced in ST/LEG/SER.B/16, p. 439.

<sup>3</sup> Reproduced in ST/LEG/SER.B/18, p. 457.

<sup>4</sup> Reproduced in ST/LEG/SER.B/16, p. 447.

*Article 5*

In the case of release or loss overboard of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons, the Parties shall co-operate as far as practicable in the salvage and recovery of such substances so as to reduce the danger of pollution of the marine environment.

*Article 6*

1. Each Party undertakes to disseminate to the other Parties information concerning:

(a) The competent national organization or authorities responsible for combating pollution of the sea by oil and other harmful substances;

(b) The competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;

(c) New ways in which pollution of the sea by oil and other harmful substances may be avoided, new measures of combating pollution and the development of related research programmes.

2. Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional center. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.

*Article 7*

The Parties undertake to co-ordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information which relate to the occurrences and situations referred to in article 1. The regional centre shall have the necessary means of communication to enable it to participate in this co-ordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of article 10.

*Article 8*

1. Each Party shall issue instructions to the masters of ships flying its flag and to the pilots of aircraft registered in its territory requiring them to report by the most rapid and adequate channels in the circumstances, and in accordance with Annex I to this Protocol, either to a Party or to the regional centre:

(a) All accidents causing or likely to cause pollution of the sea by oil or other harmful substances;

(b) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more of the Parties.

2. The information collected in accordance with paragraph 1 shall be communicated to the other Parties likely to be affected by the pollution:

(a) by the Party which has received the information, either directly, or preferably, through the regional centre; or

(b) by the regional centre.

In case of direct communication between Parties, the regional centre shall be informed of the measures taken by these Parties.

3. In consequence of the application of the provisions of paragraph 2, the Parties are not bound by the obligation laid down in article 9, paragraph 2, of the Convention.

#### *Article 9*

1. Any Party faced with a situation of the kind defined in article 1 of this Protocol shall:

(a) Make the necessary assessments of the nature and extent of the casualty or emergency or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of drift of the spillage;

(b) Take every practicable measure to avoid or reduce the effects of pollution;

(c) Immediately inform all other Parties, either directly or through the regional centre, of these assessments and of any action which it has taken or which it intends to take to combat the pollution;

(d) Continue to observe the situation for as long as possible and report thereon in accordance with article 8.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard the persons present on board and, to the extent possible, the ship itself. Any Party which takes such action shall inform the Inter-Governmental Maritime Consultative Organization.

#### *Article 10*

1. Any Party requiring assistance for combating pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance from other Parties, either directly or through the regional centre referred to in article 6, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional centre may, with their approval, co-ordinate the activity of the facilities put into operation by these Parties.

*Article 11*

The application of the relevant provisions of articles 6, 7, 8, 9 and 10 of this Protocol relating to the regional centre shall be extended, as appropriate, to sub-regional centres in the event of their establishment, taking into account their objectives and functions and their relationship with said regional centre.

*Article 12*

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in article 14 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

(a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of Annexes;

(b) To review and amend as required any Annex to this Protocol;

(c) To discharge such other functions as may be appropriate for implementation of this Protocol.

*Article 13*

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

*Contents of the report to be made pursuant to article 8 to this Protocol*

1. Each report shall, as far as possible, contain, in general:

(a) The identification of the source of pollution (identity of the ship, where appropriate);

(b) The geographic position, time and date of the occurrence of the incident or of the observation;

(c) The wind and sea conditions prevailing in the area;

(d) Where the pollution originates from a ship, relevant details respecting the conditions of the ship.

2. Each report shall contain, whenever possible, in particular:

(a) A clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);

(b) A statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;

(c) Where relevant, a description of the packaging and identifying marks; and

(d) The name of the consignor, consignee or manufacturer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substance discharged or likely to be discharged is oil or a noxious liquid, solid or gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.

4. Each report shall be supplemented as necessary by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

5. Any of the persons referred to in article 8, paragraph 1, of this Protocol shall:

(a) Supplement as far as possible the initial report, as necessary, with information concerning further developments; and

(b) Comply as fully as possible with requests from affected States for additional information.

(c) **PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT, DONE AT BARCELONA ON 16 FEBRUARY 1976<sup>1</sup>**

*The Contracting Parties to the present Protocol,*

*Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,*

*Recognizing the danger posed to the marine environment by pollution caused by the dumping of wastes or other matter from ships and aircraft,*

*Considering that the coastal States of the Mediterranean Sea have a common interest in protecting the marine environment from this danger,*

*Bearing in mind the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, adopted in London in 1972,<sup>2</sup>*

<sup>1</sup> Entered into force on 12 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version (UNEP/GC/61/Add.3).

<sup>2</sup> Reproduced in ST/LEG/SER.B/16, p. 464.

*Have agreed as follows:*

*Article 1*

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft.

*Article 2*

The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

*Article 3*

For the purposes of this Protocol:

1. "Ships and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft whether self-propelled or not, and platforms and other man-made structures at sea and their equipment.

2. "Wastes or other matter" means material and substances of any kind, form or description.

3. "Dumping" means:

(a) Any deliberate disposal at sea of wastes or other matter from ships or aircraft;

(b) Any deliberate disposal at sea of ships or aircraft.

4. "Dumping" does not include:

(a) The disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, or aircraft and their equipment, other than wastes or other matter transported by or to vessels, or aircraft, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels or aircraft;

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

5. "Organization" means the body referred to in article 13 of the Convention.

*Article 4*

The dumping into the Mediterranean Sea Area of wastes or other matter listed in annex I to this Protocol is prohibited.

*Article 5*

The dumping into the Mediterranean Sea Area of wastes or other matter listed in annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

*Article 6*

The dumping into the Mediterranean Sea Area of all other wastes or other matter requires a prior general permit from the competent national authorities.

*Article 7*

The permits referred to in articles 5 and 6 above shall be issued only after careful consideration of all the factors set forth in annex III to this Protocol. The Organization shall receive records of such permits.

*Article 8*

The provisions of articles 4, 5 and 6 shall not apply in case of *force majeure* due to stress of weather or any other cause when human life or the safety of a ship or aircraft is threatened. Such dumpings shall immediately be reported to the Organization, either through the Organization or directly to any party or parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

*Article 9*

If a Party in a critical situation of an exceptional nature considers that wastes or other matter listed in annex I to this Protocol cannot be disposed of on land without unacceptable danger or damage, above all for the safety of human life, the Party concerned shall forthwith consult the organization. The organization, after consulting the Parties to this Protocol, shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Party shall inform the organization of the steps adopted in pursuance of these recommendations. The Parties pledge themselves to assist one another in such situations.

*Article 10*

1. Each Party shall designate one or more competent authorities:
  - (a) Issue the special permits provided for in article 5;
  - (b) Issue the general permits provided for in article 6;
  - (c) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and the location, date and method of dumping.
2. The competent authorities of each Party shall issue the permits provided for in articles 5 and 6 in respect of the wastes or other matter intended for dumping:
  - (a) Loaded in its territory;
  - (b) Loaded by a ship or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not Party to this Protocol.

*Article 11*

1. Each Party shall apply the measures required to implement this Protocol to all:

- (a) Ships and aircraft registered in its territory or flying its flag;
- (b) Ships and aircraft loading in its territory wastes or other matter which are to be dumped;
- (c) Ships and aircraft believed to be engaged in dumping in areas under its jurisdiction in this matter.

2. This Protocol shall not apply to any ships or aircraft owned or operated by a State Party to this Protocol and used for the time being only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with this Protocol.

*Article 12*

Each Party undertakes to issue instructions to its maritime inspection ships and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Mediterranean Sea Area which gives rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to any other Party concerned.

*Article 13*

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with international law, to prevent pollution due to dumping.

*Article 14*

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 14 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol:

- (a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;
- (b) To study and consider the records of the permits issued in accordance with articles 5, 6 and 7, and of the dumping which has taken place;
- (c) To review and amend as required any annex to this Protocol;
- (d) To discharge such other functions as may be appropriate for the implementation of this Protocol.



3. The adoption of amendments to the annexes to this Protocol pursuant to article 17 of the Convention shall require a three-fourths majority of the Parties.

#### *Article 15*

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

#### ANNEX I

A. The following substances and materials are listed for the purpose of article 4 of the Protocol.

1. Organohalogen compounds and compounds which may form substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.

2. Organosilicon compounds and compounds which may form such substances in the marine environment excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.

3. Mercury and mercury compounds.

4. Cadmium and cadmium compounds.

5. Persistent plastic and other persistent synthetic materials which may materially interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

6. Crude oil and hydrocarbons which may be derived from petroleum, and any mixtures containing any of these, taken on board for the purpose of dumping.

7. High- and medium- and low-level radio-active wastes or other high- and medium- and low-level radio-active matter to be defined by the International Atomic Energy Agency.

8. Acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of sea water. The composition and quantity to be taken into consideration shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3, of this Protocol.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases, or in a living state) produced for biological and chemical warfare, other than those rapidly rendered harmless by physical, chemical or biological processes in the sea provided that they do not:

- (i) Make edible marine organisms unpalatable; or
- (ii) Endanger human or animal health.

B. This annex does not apply to wastes or other materials, such as sewage sludge and dredge spoils, containing the substances referred to in paragraphs 1-6 above as trace contaminants. The dumping of such wastes shall be subject to the provisions of annexes II and III as appropriate.

#### ANNEX II

The following wastes and other matter the dumping of which requires special care are listed for the purposes of article 5.

1. (i) Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimony and their compounds;
- (ii) Cyanides and fluorides;
- (iii) Pesticides and their by-products not covered in annex I;
- (iv) Synthetic organic chemicals, other than those referred to in annex I, likely to produce harmful effects on marine organisms or to make edible marine organisms unpalatable.
2. (i) Acid and alkaline compounds the composition and quantity of which have not yet been determined in accordance with the procedure referred to in annex I, paragraph A. 8;
- (ii) Acid and alkaline compounds not covered by annex I, excluding compounds to be dumped in quantities below thresholds which shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3, of this Protocol.
3. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.
4. Substances which, though of a non-toxic nature may become harmful owing to the quantities in which they are dumped, or which are liable to reduce amenities seriously or to endanger human life or marine organisms or to interfere with navigation.
5. Radio-active waste or other radio-active matter which will not be included in annex I. In the issue of permits for the dumping of this matter, the Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

#### ANNEX III

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account article 7 include:

##### A. *Characteristics and composition of the matter*

1. Total amount and average compositions of matter dumped (e.g. per year).
2. Form (e.g. solid, sludge, liquid or gaseous).
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.

5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shell-fish etc.).

#### B. *Characteristics of dumping site and method of deposit*

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release, particularly the speed of the ship.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen-demand (COD), biochemical oxygen demand (BOD), nitrogen present in organic and mineral form, including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical, and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exists for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations.

#### C. *General considerations and conditions*

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment disposal or elimination, or of treatment to render the matter less harmful for sea dumping.



**Division V**

**FISHING AND CONSERVATION OF THE LIVING  
RESOURCES OF THE SEA**

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**Subdivision A. Multilateral treaties**

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PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE  
NORTHWEST ATLANTIC FISHERIES RELATING TO AMEND-  
MENTS TO THE CONVENTION, DONE AT WASHINGTON ON  
6 OCTOBER 1970<sup>1</sup>

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of 8 February 1949,<sup>2</sup> which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of amendments to the Convention, agree as follows:

*Article I*

Article XVII of the Convention is renumbered "Article XVIII" and a new Article XVII is inserted to read as follows:

*"Article XVII*

"1. Any Contracting Government or the Commission may propose amendments to this Convention to be considered and acted upon by a regular meeting of the Commission or by a special meeting of the Commission called in accordance with the provisions of paragraph 6 of Article II of the Convention. Any such proposed amendment shall be sent to the Executive Secretary at least ninety days prior to the meeting at which it is proposed to be acted upon, and he shall immediately transmit the proposal to all Contracting Governments and to all Commissioners.

"2. A proposed amendment to the Convention shall be adopted by the Commission by a three-fourth majority of the votes of all Contracting Governments. The text of any proposed amendment so adopted shall be transmitted by the Depositary Government to all Contracting Governments.

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<sup>1</sup> English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

<sup>2</sup> Partially reproduced in ST/LEG/SER.B/15, p. 832.

"3. Any amendment shall take effect for all Contracting Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of written notification of approval by three-fourths of all Contracting Governments unless any other Contracting Government notifies the Depositary Government that it objects to the amendment, within ninety days of the date on the notification by the Depositary Government of such receipt, in which case the amendment shall not take effect for any Contracting Government. Any Contracting Government 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 Governments one hundred and twenty days following the date on the notification by the Depositary Government of receipt of the last withdrawal.

"4. Any Government which becomes a party to the Convention after an amendment has been adopted in accordance with paragraph 2 of this Article shall be deemed to have approved the said amendment.

"5. The Depositary Government shall promptly notify all Contracting Governments 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 II*

1. This Protocol shall be open for signature and ratification or approval, or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notices of adherence have been received by, the Government of the United States of America, on behalf of all Governments parties to the Convention.

3. Any Government which becomes a party to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications and approvals deposited and adherences received and of the date this Protocol enters into force.

5. Any Protocol amending the Convention which has been signed but which has not entered into force at the date of entry into force of the present Protocol shall thereafter enter into force in accordance with the provisions of the present Protocol; provided, however, that, if instruments of ratification or approval or notices of adherence with respect to such Protocol have been received by the Depositary Government from three-fourths of all Contracting Governments at the time of entry into force of the present Protocol, the date on which the ninety, and one hundred and twenty, day periods specified in the first sentence of paragraph 3 of Article XVII shall commence with regard to such amendment shall be the date of entry into force of the present Protocol.

*Article III*

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

IN WITNESS WHEREOF the undersigned, having deposited their respective full powers, have signed this Protocol.





## Subdivision B. Bilateral treaties

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### 1. CONVENTION BETWEEN SPAIN AND PORTUGAL ON FISHING AT SEA AND CO-OPERATION IN MATTERS OF FISHERIES, DONE AT MADRID, 21 FEBRUARY 1969<sup>1</sup>

The Governments of Spain and Portugal, having in view the conclusion of a Convention between the two countries on fishing at sea and co-operation in matters of fisheries, taking into account the provisions of the London Fisheries Convention of 9 March 1964,<sup>2</sup> to which both States are parties; without prejudice to their views regarding the principles of international law applicable to the delimitation of the maritime spaces adjacent to their coasts; and desiring to strengthen the good relations which have always existed between their fishery authorities and their fishermen, have agreed as follows:

*Article 1.* 1. Portuguese fishing vessels shall have the right to engage in fishing in the off-shore belt of sea between 6 and 12 miles from the Atlantic coast of the Spanish mainland, measured from the baseline adopted by Spain for the delimitation of its reserved fishing belt.

2. The right established in the preceding paragraph shall not be exercised in off-shore belts of sea north of the parallel passing through Cape Finisterre or east of the meridian passing through the Tarifa point (Strait of Gibraltar).

*Article 2.* 1. Spanish fishing vessels shall have the right to engage in fishing in the off-shore belt of sea between 6 and 12 miles from the coast of the Portuguese mainland, measured from the baseline adopted by Portugal for the delimitation of its territorial sea.

2. The right established in the preceding paragraph shall not be exercised in belts of sea off the coasts of the Azores and Madeira.

*Article 3.* 1. In the belt between 0 and 6 miles, measured from the baselines referred to in this Convention, fishing shall be reserved for nationals of each Party in the waters under its jurisdiction.

2. However, in the belts of sea at the mouths of the rivers Minho and Guadiana, the competent fishery authorities may agree on measures of mutual tolerance with respect to fishing in accordance with the traditional relations between fishermen on both sides of the border.

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<sup>1</sup> Entered into force on 9 December 1969. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations.

<sup>2</sup> Reproduced in ST/LEG/SER.B/15, p. 862.

*Article 4.* 1. Straight baselines or bay closing lines for the delimitation of the fishing belts described in the preceding articles shall be drawn in accordance with article 6 of the London Fisheries Convention of 9 March 1964.

2. To that end, each Party shall give the other Party adequate advance notice of its intention to draw any straight baselines or bay closing lines, or to modify any existing lines, in order that the last-mentioned Party may formulate such comments as it deems necessary.

3. In the Bay of Setúbal, the Portuguese State shall adopt, for the delimitation of the fishing belt referred to in article 2, a straight baseline not exceeding 24 miles in length, drawn from Pedra do Arcangil (on Cabo Espichel) towards the opposite shore of the bay in the Barrocal.

*Article 5.* 1. Within the fishing belts described in articles 1 and 2, fishing vessels of both countries shall be required to comply with the fishery legislation in force in the said belts, provided that there shall be discrimination in form or in fact as between vessels of the two countries.

2. Each Party shall consult the other Party whenever it proposes to modify its domestic fishery legislation in such a way as might affect the rights accorded under this Convention.

*Article 6.* 1. In order to facilitate the application of the rules laid down in this Convention, there shall be established a Spanish-Portuguese Technical Fisheries Commission, the composition of which shall be agreed upon through the diplomatic channel.

2. The Commission shall meet alternately in Lisbon and Madrid at least once a year, and in any event, should the circumstances make it desirable, at the request of either Party.

3. The Technical Fisheries Commission shall have the following powers:

(a) To propose to the Governments a limitation of the fishing effort to be carried out by nationals of the two countries in exercise of the rights accorded under articles 1 and 2 of this Convention by laying down the annual gross register tonnage permitted both for trawling and for fishing by ring net (*cerco*);

(b) To propose measures for the conservation of fishery resources in the belts of sea adjacent to their coasts;

(c) To monitor any consultations under the provisions of article 5, paragraph 2; and

(d) To serve as a channel for co-operation between the two countries in matters of fisheries.

*Article 7.* This Convention shall remain in force for a term of 20 years.

After the expiration of that term, it shall be automatically extended for successive periods of five years, unless one of the Parties gives the other Party at least one year's notice of its intention not to extend the Convention.

*Article 8.* This Convention shall enter into force as soon as the two Governments notify each other, by an exchange of notes, that the constitutional procedures prescribed for its approval have been completed.

*Transitional provision*

Within six months of the entry into force of this Convention, the Technical Fisheries Commission referred to in article 6 shall lay down the limits of the fishing effort that may be carried out by each Party during the following five years in the belts defined in articles 1 and 2 of this Convention. Such limits shall be set on the basis of the fishing effort carried out during the five years preceding the entry into force of the Convention.

Done at Madrid in two original copies, in Spanish and Portuguese, both texts being equally authentic.

2. CONVENTION ENTRE LE GOUVERNEMENT ESPAGNOL ET LE GOUVERNEMENT DE LA REPUBLIQUE DU SENEGAL EN MATIERE DE PECHE MARITIMES, SIGNEE A DAKAR LE 15 MAI 1975<sup>1</sup>

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal,

Considérant les liens d'amitié qui existent entre les deux pays,

Déterminés à fonder leurs relations dans un esprit de coopération mutuelle, de confiance réciproque et de respect de leurs intérêts mutuels dans le domaine des pêches maritimes,

Convaincus de la nécessité de conjuguer les efforts de tous les pays pour assurer la préservation des ressources de la pêche dans l'Atlantique central et méridional,

Sont convenus des dispositions suivantes :

*Article premier*

Le Gouvernement de la République du Sénégal et le Gouvernement espagnol considèrent la présente Convention comme l'acte qui régira dorénavant leurs relations en matière de pêche maritime.

*Article 2*

Le Gouvernement de la République du Sénégal accorde le droit de pêche dans l'ensemble des eaux relevant de la juridiction sénégalaise aux

<sup>1</sup> Texte espagnol transmis par le représentant permanent de l'Espagne auprès de l'Organisation des Nations Unies dans une note en date du 17 juin 1977. Le texte reproduit est le texte français authentique de la Convention, qui a été enregistrée au Secrétariat de l'Organisation des Nations Unies par le Gouvernement espagnol le 28 juin 1977.

navires battant pavillon espagnol, aux conditions applicables aux navires ressortissants de pays avec lesquels le Sénégal a signé une convention en matière de pêche.

#### *Article 3*

Les navires espagnols autorisés à pêcher dans l'ensemble des eaux sous juridiction sénégalaise dans le cadre de la présente Convention sont munis d'une licence d'armement à la pêche accordée dans les conditions définies par les lois et règlements en vigueur au Sénégal.

#### *Article 4*

Les navires chalutiers de nationalité espagnole reçoivent la licence de pêche aux engins traînants conformément aux dispositions législatives et réglementaires en vigueur au Sénégal.

En ce qui concerne les navires chalutiers congélateurs, la licence de pêche sera délivrée à ceux qui ne dépassent pas 700 tonneaux de jauge brute.

#### *Article 5.*

Les navires thoniers de nationalité espagnole ayant choisi à titre temporaire ou définitif un port sénégalais comme port d'attache ou de travail, et qui participent aux campagnes thonières sénégalaises, reçoivent la licence de pêche thonière conformément aux dispositions législatives et réglementaires en vigueur au Sénégal. Cette licence est valable pour l'ensemble des eaux sous juridiction sénégalaise.

Les produits de la pêche fraîche des navires thoniers à glace basés au Sénégal dans le cadre de la présente Convention sont débarqués au profit de la société nationale d'armement à la pêche thonière qui s'engage à assurer la consignation de ces unités.

Les prix de cession et les modalités de livraison de ces produits font l'objet d'un accord particulier conclu pour des périodes déterminées entre la société nationale et les armateurs espagnols. Ces accords sont considérés comme des annexes à la présente Convention<sup>1</sup>.

Les produits congelés des thoniers espagnols autorisés à pêcher dans les eaux sénégalaises font l'objet d'une cession partielle à la société nationale d'armement à la pêche thonière. La quantité de thon congelé débarquée au profit de la société nationale et le prix de cession de ce thon font l'objet d'accords particuliers qui sont considérés comme des annexes à la présente Convention.

#### *Article 6*

Les produits de la pêche débarqués au Sénégal par des navires de nationalité soit sénégalaise, soit espagnole, et ayant été soumis à des transformations dans des entreprises installées au Sénégal, bénéficient d'un traitement identique à leur entrée sur le territoire douanier espagnol.

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<sup>1</sup> Ces accords ne sont pas reproduits.

#### *Article 7*

Le Gouvernement espagnol mettra à la disposition du Gouvernement de la République du Sénégal des crédits en compensation des dispositions des articles 2, 3, 4 et 5 de la présente Convention.

Ces crédits garantis par l'Etat du Sénégal sont destinés à renforcer la coopération entre les deux pays, dans le secteur du développement rural en général et dans le domaine de la pêche en particulier.

Le montant des crédits mis en place, leur nature, les conditions de leur mobilisation et les modalités de leurs remboursements feront l'objet d'un accord financier.

#### *Article 8*

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal s'engagent à promouvoir leur coopération dans le secteur de la pêche en encourageant l'investissement de capitaux espagnols au Sénégal par la constitution d'entreprises à capitaux mixtes dans lesquelles les bateaux de pêche espagnols pourraient être utilisés dans le cadre d'accords particuliers. A cette fin, les deux gouvernements accorderont toutes les facilités financières prévues par leurs législations respectives et destinées à favoriser la réalisation de leurs objectifs.

#### *Article 9*

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal conviennent que la position des deux pays dans l'Atlantique et leurs intérêts dans la préservation des ressources halieutiques et leur exploitation rationnelle impliquent le renforcement de leur coopération scientifique.

A cet effet, les organismes compétents coordonneront les recherches en organisant des missions scientifiques conjointes sur des thèmes d'étude définis chaque année par leurs instituts de recherche et portant sur des sujets d'intérêt commun.

Les recherches débouchant sur des applications pratiques pour la protection des ressources et de leur environnement sont considérées comme prioritaires.

Les organismes compétents des deux pays échangeront des informations scientifiques pouvant contribuer à une meilleure connaissance des espèces.

Par ailleurs les deux gouvernements se consulteront dans le cadre des organisations internationales pour prendre les mesures appropriées destinées à sauvegarder leurs intérêts en matière de pêches.

#### *Article 10*

Le Gouvernement espagnol et le Gouvernement de la République du Sénégal conviennent que l'amélioration de la compétence et des connaissances des personnels affectés à la pêche maritime constituent un élément essentiel du succès de leur coopération.

A cet effet, le Gouvernement espagnol s'engage à accueillir des ressortissants sénégalais dans ses établissements et à mettre à leur disposition des

bourses d'études et de formation dans les diverses disciplines scientifiques techniques et économiques concernant la pêche.

*Article 11*

Il est créé une commission hispano-sénégalaise chargée de suivre les problèmes posés par la coopération en matière de pêches dans les deux pays. Cette commission se réunira au moins une fois par an, alternativement dans les deux pays.

*Article 12*

Le présent accord est conclu pour une période de quatre ans renouvelable par tacite reconduction sauf dénonciation par l'une des Parties contractantes.

La dénonciation devra être notifiée par la voie diplomatique avec un préavis de six mois.

Le présent accord entrera en vigueur à la date de l'échange des instruments de ratification.

3. [AGREEMENT OF 28 NOVEMBER 1975 BETWEEN THE GOVERNMENTS OF THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF ICELAND RELATING TO FISHING AND TO THE CONSERVATION OF LIVING RESOURCES IN THE WATERS AROUND ICELAND]<sup>1</sup>
4. [AGREEMENT BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF CANADA ON MUTUAL FISHERIES RELATIONS, DONE AT MADRID ON 10 JUNE 1976]<sup>2</sup>
5. [FISHERIES AGREEMENT BETWEEN THE UNITED MEXICAN STATES AND THE REPUBLIC OF CUBA, DONE AT MEXICO CITY ON 26 JULY 1976]<sup>3</sup>
6. [FISHING AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND MEXICO, DONE AT MEXICO CITY ON 24 NOVEMBER 1976]<sup>4</sup>
7. [AGREEMENT BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES, DONE AT WASHINGTON, 16 FEBRUARY 1977]<sup>5</sup>

<sup>1</sup> *Supra*, division II, subdivision B, 3.

<sup>2</sup> *Ibid.*, 5.

<sup>3</sup> *Ibid.*, 6.

<sup>4</sup> *Ibid.*, 8.

<sup>5</sup> *Ibid.*, 9.

## Annex

# DECLARATIONS, RESOLUTIONS AND REPORTS ADOPTED OR CONCLUSIONS REACHED BY INTERNATIONAL ORGANIZATIONS, INTERNA- TIONAL CONFERENCES OR OTHER INTERNA- TIONAL MEETINGS

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### RESOLUTION OF THE COUNCIL OF THE EUROPEAN COMMUNITIES ON CERTAIN EXTERNAL ASPECTS OF THE CREATION OF A 200- MILE FISHING ZONE<sup>1</sup>

With reference to its declaration of 27 July 1976 on the creation of a 200-mile fishing zone in the community, the council considers that the present circumstances, and particularly the unilateral steps taken or about to be taken by certain third countries, warrant immediate action by the community to protect its legitimate interests in the maritime regions most threatened by the consequence of these steps to extend fishing zones, and that the measures to be adopted to this end should be based on the guidelines which are emerging within the Third United Nations Conference on the Law of the Sea.

It agrees that, as from 1 January 1977, Member States shall, by means of concerted action, extend the limits of their fishing zones to 200 miles off their North Sea and North Atlantic coasts, without prejudice to similar action being taken for the other fishing zones within their jurisdiction such as the Mediterranean.

It also agrees that, as from the same date, the exploitation of fishery resources in these zones by fishing vessels of third countries shall be governed by agreements between the community and the third countries concerned.

It agrees, furthermore, on the need to ensure, by means of any appropriate community agreements, that community fishermen obtain fishing rights in the waters of third countries and that the existing rights are retained.

To this end, irrespective of the common action to be taken in the appropriate international bodies it instructs the commission to start negotiations forthwith with the third countries concerned in accordance with the Council's Directives. These negotiations will be conducted with a view to concluding, in an initial phase, outline agreements regarding the general conditions to be applied in future for access to resources, both those situated in the fishing zones of these third countries and those in the fishing zones of the member States of the community.

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<sup>1</sup>With effect as from 1 January 1977. Text transmitted by the Permanent Representative of the Netherlands to the United Nations in his letter of 16 November 1976.

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